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DENAZIFICATION; PROBLEM AND PROGRAM

U. S. Zone, 1945-1949

by

HUBERT WAYNE KELTNER

B. A. Humboldt State College, 1936


Presented in partial fulfillment of the requirements
for the degree of
Master of Arts

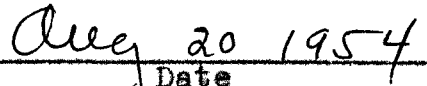
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INTRODUCTION

PROBLEM, PLAN AND METHOD

The purpose of this study is (1) to present an accurate picture of the denazification problem, and the program as it developed in the U. S. Occupation Zone in Germany through the period 1945 to 1949; (2) to contrast aims, purposes, and theories as ascertained from army directives of the time, and analytical literature written since, with actual conditions and achievement, as experienced by a participant in the program; (3) to endeavor to formulate some tenable conclusions as to the final achievement of the American denazification program, with an attempt to compare it with the British and French efforts in the same field.¹

Although the American denazification program in Germany gradually developed a forbidding mass of directives, rules, regulations, and procedures to burden and sometimes confuse the personnel expected to put this theory into operation, it was, however, only one phase of the entire military government's administration of occupied Germany. The fact that denazification was a limited operation and that it dealt with

1. The Russians immediately proceeded to wholesale elimination of those Nazis they considered dangerous; the British and French went after the "big fellow"; the Americans undertook a very ambitious denazification program. See Harold Zink, American Military Government in Germany, (New York, The McMillan Co., 1947) p. 144.

the character of the German people as well as with their political, economic, and social activities makes it a particularly fascinating and sometimes elusive subject of study. The attempt of the American State Department to devise a system to cleanse the German society of the evil effects of National Socialism and Militarism may very well have impressed Europeans as a new version of the old story, Innocents Abroad.² Here, within the framework of the general military occupation of Germany and its varied and sometimes conflicting administrative units, denazification developed as a seemingly idealistic experiment by the American State Department in the hope of disciplining and correcting the erring Germans. A review of the theory and practice of this experiment provides some interesting and perhaps valuable ideas regarding the lessons learned by our American denazification officials in their several years of effort. It is possible that the information to be derived may further ripen and increase in value with the passage of more time and the consequent perspective.

Some introductory discussion of the rise of National Socialism and Militarism is offered at the beginning of Chapter I. Something of the general aims of National Socialism in Germany must be understood before the problem faced by our denazification personnel can be fully appreciated.

Chapter II offers an over-view of the Nazi organization

2. Novel by Mark Twain, well-known American author.

plan as it was actually effected. Here is not theory, but the German talent for organization thoroughly and effectively employed to serve National Socialist aims. To fully comprehend the extent to which Hitlerism had taken the German nation under control and had permeated the entire German social structure, this very complex scheme of organization must be understood. The reader may then thoughtfully question the competence of the American denazification authorities to follow through successfully with their boldly announced intention to purify the German social structure of National Socialist and militaristic influences.

In Chapter III the direct denazification efforts of the American Military Government personnel dealing with this problem from July 1945 to March 1946 are examined. The announced official aims, the developing denazification law, the Berlin Documents Center, internment camps, and the actual experience of county denazification units are reviewed in some detail. Finally, the beginning of American preparations to dump the program into the lap of the Germans is considered in the light of its possible underlying significance.

Chapter IV is devoted to the German administered, American supervised Law for Liberation from National Socialism and Militarism of March 5, 1946. The promulgation and administration of this law were the first steps in the American move to transfer the denazification responsibility to German hands. A discussion of the various parts of the law, its intent, and the

very slow wavering implementation make up the bulk of this chapter. The denazification amnesties and the gradually changing policy of the American authorities from the State Department down to the organization in the field are examined in the remainder of the chapter.

In the Conclusion are presented some general ideas or conclusions as to the achievement of the total denazification program in the U. S. Occupation Zone of Germany as contrasted with the aims, efforts and final achievement of the British and French denazification programs.

The decision to make a study of the denazification program in the U. S. Occupation Zone of Germany in the years 1945 to 1949 did not originate as a result of library research on an unfamiliar subject, but was due to the present writer's own participation in the program from 1945 to July 1947. Starting with the basis of actual experience in the field, considerable data was obtained from reading general works on National Socialism, recent writings on the subject of American Military Government in Germany, and a number of works devoted to the single matter of denazification.

Primary sources³ basic to this work include a number of books written in the German language which were obtained as

3. The German-language books here included as primary sources are all by Nazi authors on National Socialism or subjects allied to it, or are organization books or instructions, or compilations of documents published by the Nazi press.

"war trophies" in Germany. Other primary sources are handbooks on denazification, which are compilations of army directives on denazification, intended for the convenience of personnel in the field. In addition, the copies of official reports by the present writer during the more than one year's time that he held the position of Staff Assistant Special Branch working out of the Wiesbaden headquarters provided a good primary source. These reports give an intimate picture of the actual operation of the program while the Germans were supposed to be denazifying their own people--actual experience in contrast to the aims and purposes indicated by the denazification law and to the elaborate "paper" structure intended to implement it.

CHAPTER I

CONSIDERATIONS BASIC TO THE UNDERSTANDING OF THE DENAZIFIER'S PROBLEM

I. American Denazification Policy

When the American State Department finally settled on its denazification policy and authorized the occupation personnel in Germany responsible for implementing this policy, they reworded an aim already voiced in the records of the Crimean Conference and echoed in the Potsdam Agreement. The policy, announced on July 7, 1945 by army directive,¹ was "to destroy German militarism and Nazism" and "to remove all Nazi and militarist influences from public offices and from the cultural and economic life of the German people."² This restatement of policy from the Crimea Conference and Potsdam Agreement was made more specific for its impending implementation in the U. S. Zone in the following amplification:

"All members of the Nazi party who have been more than nominal participants in its activities, all active supporters of Nazism or militarism and all other persons hostile to Allied purposes will be removed and excluded

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1. This was the first official directive on denazification issued to the Military Government detachments in the field.
 2. "Removal of Nazis and Militarists," 7 July 1945 directive, Denazification Handbook. (American Military Government, Land Hessen, 1945) p. 3.

from public office and from positions of importance in quasi-public and private enterprises..."³

While the starting shot of the American denazification program is allowed to reverberate for a time, it will be well to investigate briefly the essential nature of the "influences" which the denazifiers were determined to remove from "public offices and from the cultural and economic life of the German people." Before the efficiency of a process of eradication may be fully appreciated, the subject upon which the process is to operate must be understood. Therefore, a brief review of the roots and aims of National Socialism and Militarism is in order.

II. Roots and Tradition of National Socialism

The very name⁴ of the National Socialist German Worker's Party reveals an emphasis upon nationalism, socialism, Germanism and the working class. From the beginning, many factors were common to both national socialism and other fascist movements. Such elements as the enmity toward democracy and liberalism, individual rights, international co-operation and peace were found in both national socialism and fascism elsewhere. Both also emphasized the subordination of the individ-

3. Ibid., p. 3.

4. National Sozialistische Deutsche Arbeiter Partei, commonly known as NSDAP.

ual to the state, the inequality of men and races, the right of the strong to rule the weak, and the necessity of the principle of absolute blind obedience to the leaders designated to rule over the masses. Both despised humanitarianism and pacifism and glorified conquest. However, National Socialism had its own peculiar and strictly German roots. The National Socialism and militarism specified in denazification policy were found to be closely entwined as a result of a growth from the Prussian tradition from the days of the great soldier kings like Frederick William I and Frederick the Great, who inspired the German masses to regard the militant spirit and the discipline of the Prussian army as a model for all individual and civic life.⁵ In addition, the German romantic attachment to its "glorious" past, and a tendency to place instinct before logic or a rational approach, and a respect for the exceptional as opposed to the universal all lent themselves to the national socialist philosophy.⁶ Particularly prominent in the German roots of National socialism was a racialism partly borrowed from the Frenchman, Gobineau, but also espoused by Richard Wagner (1813-83) and his son-in-law, Houston Stewart Chamberlain, whose Founda-

5. Derwent S. Whittlesey, German Strategy of World Conquest (New York, Farrar and Rinehart, 1942) pp. 11-20.

6. National Socialist political philosophy is, of course, made of many elements. Its main concepts are to be found in the speeches and writings of Nazi leaders.

tion of the Nineteenth Century⁷ (1899) very much influenced early Hitler propaganda.

Certain Austrian influences also played an important role in the trend of Hitlerism in its early theory. The youthful Hitler was no doubt aware of the anticapitalistic and anti-semitic movement of Karl Lueger (1844-1910) called the Christian Socialist Party. Then there was Georg von Schoenerer⁸ (1842-1921), who united racial anti-Semitism with a rabid anti-Catholicism and a Pan-Germanic expansionism. Schoenerer's disciple, Karl Herman Wolf, organized among the Sudeten Germans in Bohemia a German Worker's party which was later to take the name of Deutsche National-Sozialistische Arbeiterpartei, a few years before Hitler formed his very similarly named NSDAP in Munich, Germany. These were some of the influences, roots and traditions basic to the National Socialist political philosophy. As for Hitler himself, the experience of his youth in the midst of the very bitter racial struggles in multi-racial Austria, might well explain his insane nationalism⁹ and his extreme contempt for the Slavs.

7. Houston Stewart Chamberlain, Die Grundlagen Des Neunzehnten Jahrhunderts. (F. Bruckman A. G., Munich 1918) p. 825.

8. Adolf Hitler, Mein Kampf. (Zentralverlag der NSDAP, Munich 1940).

9. Adolf Hitler, Mein Kampf. Pp. 71-137.

III. Some Aims and Principles of the Nazi Party

The underlying purposes of the Nazi leaders may be determined in part from the writings of Hitler and his advisors¹⁰ or from the actual moves made by the Nazi machine as its fortunes advanced. To separate the propaganda, which was intentionally devised to divert the masses, from the real intent of the National Socialist command is a rather delicate operation; however, several of the Party's major principles and aims seem to have been seriously pursued from the beginning and were carried through as far as possible to the bitter end.

Of major importance, in the eyes of non-German peoples, was the possibility that the aggressive Nazi movement would attain its domestic goals and overflow its national bounds in an attempt to dominate other nations. There is considerable difference of opinion as to the ultimate intentions of the Nazis. Some qualified observers believe that world domination was their goal; others do not. There seems to be no real evidence that a concrete plan had been made to effect such an ambitious design. However, the aggressive tactics which began with rearmament in violation of the Versailles Treaty and in military re-occupation of the

10. Alfred Rosenberg, who wrote several supposedly scholarly works, which are listed in the bibliography of this paper; Joseph Goebbels, Reich propaganda minister, who wrote copiously on Nazi themes.

Rhineland; continuing with the annexation of Austria and Czechoslovakia and the invasion of Poland, were not likely to inspire any great confidence on the part of non-Germans. Ultimate German intentions, nevertheless remain a debatable topic. Some think the cry Heute gehoert uns Deutschland, Morgen die ganze Welt (Today, Germany belongs to us, tomorrow the whole world) advertised a German desire for world domination. Another interpretation of the same statement might indicate merely a Nazi hope that their political system would be adopted in other lands. All things considered, there is no doubt that the Nazi program was a highly dynamic, expansive political movement which could not fail to occasion uneasiness among Germany's neighbors and in the world generally.

The "leadership principle" of the Nazis was another primary concept. It might be associated with a number of the other aims, ideas and tactics of the party leaders.¹¹ As necessary to the Nazi movement as to any other dynamic and autocratic program was the matter of blind obedience on the part of the "lowly masses." To establish a generally accepted concept of leader and follower was not as difficult as members of our American democracy might think. The entire German historical tradition had been full of the very material

11. Fritz Morstein Marx, Government in the Third Reich. (New York & London, McGraw-Hill Book Co., 1936) pp. 67-69.

from which the leader and follower ideal was to be fashioned. What could be more convenient. Once the principle that only a given number of the world's superior race were destined by a god-given superiority to lead the favored people was established, the Nazi high command proceeded to establish Fuehrer Schulen (leader schools) throughout the country to provide new leaders! The reliance on rallies, drum-beating, hysterical oratory, uniforms and elaborate staging of political displays in general rather clearly demonstrate the Nazi method of influencing the masses. "Bread and circuses," Hitler is credited with saying, "is what the people want." The chapter on propaganda in Hitler's Mein Kampf¹² gives an abundance of proof of the Fuehrer's contempt for democracy or the ability of the masses to be capable of anything other than being led by an "inspired genius" (like himself). He believed that the art of truly great popular leaders in all ages has consisted chiefly in not distracting the attention of the people, but concentrating always on a single enemy. The more unified the object of the people's will to fight, the greater will be the magnetic attraction of the movement and the more tremendous its impact. It was part of the Fuehrer's task to make even widely separated enemies appear as if they belonged to but one group, because among cowardly and undecided characters the recognition of

12. Mein Kampf, pp. 649-669.

various enemies all too easily marked the beginning of lack of confidence in the movement.¹³ In this same chapter on propaganda Hitler also stated that all propaganda must keep its intellectual level to the ability of the least intelligent of the people to whom it is directed, and that its content of truth does not compare with its only important factor, that of success. From this brief review of the attitudes and intentions of the Nazi leaders in regard to the "game" of follow the leader, it would seem that the leadership principle was a very important plank in the National Socialist platform.

The anti-capitalistic and anti-Semitic aims of the Nazi leadership also seemed to be major factors to which a number of lesser principles and practices were attached. The "pre-coming-to-power" philosophy had much to offer the common man. The Arbeiter (worker) part of the NSDAP was pushed at this time to catch the attention and approval of the unemployed worker. The greedy capitalist, who was usually pictured as a wealthy Jew, was castigated daily. This idea became less popular, however, after Hitler's first unsuccessful attempt to seize power,¹⁴ and we see the opportunistic Fuehrer turning to the "vile" capitalists (some of whom he had apparently decided were not Jews) to aid him in his bid for power in

13. Ibid., pp. 649-648.

14. The "Beer Hall Putsch" of 1923, in Munich.

1932 and 1933. Hitler's break with Gregor Strasser who faithfully worked with him for several years came largely as a result of disagreement on this rather fundamental change in policy.¹⁵ The anti-semitic views of the party leadership, however, never changed unless it was to become more violent and abusive. The concept of the evil Jew was too convenient as the rallying point which Hitler had mentioned in his book, Mein Kampf. The simple expedient of finding the Jew as the evil genius behind the "misdeeds" of all Nazi adversaries was much too handy a device to abandon. Whenever something stood in the way of Nazi progress, the Jew could be discovered as the behind-the-scenes cause. Hitler seemed to really believe his own ranting against the Jews, but many Nazi leaders merely found it good propaganda.

Another of the major principles of the Nazi leadership was opportunism. While this may not be acknowledged by the National Socialist high command to mean quite the same thing that the term usually denotes to a citizen of a democratic country, the acceptance of the principle of leadership granted from above, and the ideas of right and wrong divorced from logic or rational thinking, but merely based on present needs, all spell opportunism to the non-Nazi observer. To validate completely the charge of opportunism leveled at

15. Gregor Strasser was murdered in the Purge of 1934, when Hitler "eliminated" some of his less obedient followers.

the Nazis would be equivalent to writing a multi-volume history of National Socialism. For the purposes of this thesis a cursory over-view of the Fuehrer's rise to power, and the consolidation and aggressive expansion of that power affords ample proof of opportunism in all its flexibility.¹⁶ From the modest beginning in Munich in 1919 of Adolf Hitler's association with the organization founded by Anton Drexler, opportunism was in evidence. Hitler's use of his connection with the unit of the Wehrmacht (German regular army) assigned to exert control over Bavaria to further his own ends, his use of Ernst Roehm, and his seizure of control of the embryo party, which he re-named¹⁷ the National Socialist German Worker's Party, all demonstrate the careful use of the right opportunity to enforce the autocratic will of the developing Fuehrer. By 1923, Hitler thought he saw the opportunity to seize control of Bavaria and enlisted the aid of World War I hero, General Ludendorff, counting on the general's military prestige to give dignity to the projected enterprise, but he was double-crossed and failed. During the enforced vacation

16. Konrad Heiden, A History of National Socialism. (New York, Alfred A. Knopf, 1935) pp. 428. There are several other books of this type also in the bibliography. They give an excellent survey of the National Socialist movement as a whole.

17. Anton Drexler, a locksmith and manual laborer, had set up the "Committee of Independent Workmen" in Munich in March 1918. In 1919, Hitler "stole" the leadership from him and re-named the party the NSDAP.

at Landsberg am Lech,¹⁸ Hitler used his time to advantage and, with the aid of Rudolf Hess, organized his political philosophy into the later world-famous best-seller, Mein Kampf. Opportunity seemed dead for a few years, but in 1930 and 1931, unemployment and misery swelled the ranks of those who listened eagerly to the Nazi orator's promises of better things to be had for the "taking." Then in 1932 and 1933, Hitler acted decisively on a matter of policy that he had quietly accepted some time before. He decided no longer to revile the wealthy and well-born, but to enlist their aid in providing the faltering German nation with a "new and dynamic leader" (himself) to lead it to glory and prosperity.¹⁹ After the aged German President, von Hindenburg was persuaded against his better judgment to appoint Hitler to the Chancellorship, Nazi talent for opportunism was given its full sway. The Reichstag Fire, the Enabling Act which gave Hitler practically dictatorial powers, and the Purge of 1934 are all excellent examples of Nazi capacity to rise to the needs of the times. Opportunity was not even obliged to knock on the

-
18. Because of his ardent nationalism, and because of the hostility of many Bavarian officials toward the federal government at Weimar, Hitler was sentenced to Landsberg prison near Munich to a term of only a few months, and because attempts of this sort were commonplace.
19. Konrad Heiden, A History of National Socialism, p. 124. Hitler met with Dr. Alfred Hugenberg, leader of the German Nationalist Party in 1929 and agreed to an organized protest against the Young Plan. In August 1932, Hitler received a limited offer from von Papen and von Hindenburg for the chancellorship, which he refused for the time, holding out for better terms.

National Socialists' door. They left the door open and seized the unwary visitor before he could retreat. After 1934, the subjection of the German domestic scene to police state control was less a matter of opportunity than the implementation of ruthless, pre-conceived design. In these and succeeding years, however, the Nazis either awaited or manufactured the proper opportunity for their designs in the field of foreign relations. The various declarations of the right to re-arm in 1935, the march into the Rhineland in 1936, the seizure of Austria in 1938, Czechoslovakia in 1939, the invasions of Poland in 1939, Denmark, Holland, Norway, France in 1940, all testify to the validity of the point at issue--that opportunism was a basic factor in the Nazi scheme. The very dynamic nature of the National Socialist movement pre-destined unceasing expansion. The Nazi technique was to await or create the right opportunity to accomplish their aims, using force only where force must be employed.

Less spectacular, but of basic importance was the Nazi plan for party perpetuation through education of the German youth in the National Socialist faith. The theory upon which the Nazi leadership's concern with the education of the young was based is readily apparent. Any good American parent has listened with approval to PTA (Parent-Teacher Association) speeches and reports on the vital importance of training the youth in the proper ideals and practices in

citizenship. The idea that the youth is the most important "crop" in the nation is received without question. What is more natural than that the Nazis should immediately think of their youth as the means of perpetuating their cherished political faith and preserve it for future generations to carry on to its final goal? The theory is solid, though to non-German peoples the purposes of the Nazi education program may seem doubtful.²⁰ About the actual implementation of the plan to capture the youth, more will be said later in the section of this paper relating to Nazi organizations.

Last, but not least of the outstanding characteristics of the National Socialist party was their extensive application of a very important operating principle, namely, organization. The Germans appear to have a special talent for organization, and, when the fanatic zeal of Adolf Hitler and his immediate disciples began to acquire a certain definiteness of purpose, what could be more natural than that the German talent for organization should be a most serviceable, practical tool to effect the Nazi designs. In the days before coming to power, organized purpose gave the Nazis a certain advantage over their opponents. But, it was in the period following

20. I. L. Kandel, ed., Educational Yearbook of the International Institute of Teachers College Columbia University, (New York City, Bureau of Publications, Teachers College, Columbia University, 1934), pp. 545-551. Mr. Kandel says, in quoting from Nazi propaganda, "'Hitler is the law and will of the people.'" "Education under such conditions becomes merely a machine to mold the rising generation to this law and will."

Hitler's rise to the Chancellorship that Nazi organizing ability really fastened the yoke of the police state government on the German people. In theory and in fact, the National Socialists developed an elaborate organization that permeated the entire social structure of the German nation;²¹ and, for the most part, it seems to have been remarkably well done.

Generally speaking, the aims and practices of the National Socialist party repelled nationals of the democratic countries of the world. There was a strong and widespread feeling near the end of World War II that "Nazi and militaristic" influences would have to be eradicated as forces dangerous to world peace. The decisions reached at the Crimean Conference and the Potsdam Agreement rested on this conviction. Having agreed, in principle on the need of denazification, it was necessary to devise a concrete plan for that purpose. The task of eradicating all traces of a movement which had made its influence felt in all walks of life was certain to be difficult.

21. James K. Pollock, The Government of Greater Germany. (New York, D. Van Nostrand Company, Inc., 1940) p. 53.

CHAPTER II

NAZI PENETRATION OF GERMAN SOCIETY

I. The Reichsorganisationsleitung

There is and has been a general impression among the American people that National Socialism affected only a small percentage of the German people. Nothing could be farther from the truth! While a relatively small percentage were fanatic devotees of the "faith," National Socialism exerted a tremendous influence over practically all of the population. Some element of the party organization reached into practically every walk of life, and every person, willingly or otherwise, had to conduct himself with care in relation to the party philosophy and activities.

Organization planning was certainly not left to any haphazard plan by the Nazi leaders, as the contents of several books of rules and regulations will testify.¹ After 1933, when the need for practical, workable control measures suddenly became pressing, the whole Nazi structure very rapidly developed to fasten the country in the "eagle's talons." A national party-organization-department headed by Dr. Robert Ley² became responsible for the over-all planning for the

1. See bibliography.

2. Dr. Robert Ley, an early and fanatic follower of Hitler, was appointed by the Fuehrer to the important post of Reichsorganisationsleiter (national organization leader)

NSDAP organizational scheme. Elaborate sets of rules and regulations, prescribing duties, uniform, etc. were published for the guidance of the Nazi faithful. In the introduction to one of these books of regulations, both Adolf Hitler³ and Dr. Ley proclaimed their conviction that the National Socialist state would be of long duration, and that careful organization was necessary to implement the divinely inspired theory of the Nazi leaders. Dr. Ley indicated that ample room must be left for the growing Nazi movement to expand, and that from time to time new directions from the Fuehrer were to be expected. Dr. Ley's realization of the dynamic nature of the National Socialist movement and the probable need for almost continual change in its plan of organization was expressed in the final paragraph of his introduction.

"Es gibt fuer die Partei keinen Stillstand und in der Entwicklung kein Ende. So vielgestaltig das Leben unseres Volkes ist, so vielgestaltig wird auch unser Wirkungskreis fuer die Zukunft bleiben."⁴

within the scope of the Reichsleitung (the top echelon of the party organization). Ley also held other important posts.

3. Organisationsbuch der NSDAP, ed. Dr. Ley, National Organization Leader of the NSDAP (Zentralverlag der NSDAP., Franz Eher Nachf., Munich, 1936) p. V.
4. Ibid., p. X. There will be no end in the development of the party. Our scope of operations will remain as many-sided and varied as German society itself.

II. Organization of the NSDAP

The parent unit in the entire plan of organization was, of course, the NSDAP itself. Before considering the affiliated organizations (angeschlossene Verbaende), a running survey of the main NSDAP organization, from bottom to top, will give an idea of the control exerted over the population.

The first and lowest unit in the parent unit (NSDAP) was the Block (block).⁵ The block was defined as consisting of from forty to sixty Haushaltungen (households), and was supervised by a Blockleiter (block leader). The block leader was assisted in his duties by a Blockhelfer (block helper) and a Blockwarter (block manager). The block leader and his helpers were responsible for a very close relationship and control over the individuals of the forty to sixty households in their unit. They had to continually preach the "faith", check any and all hereay, instruct the uninformed on points of duty and procedure, and, naturally, be responsible for collecting the periodic Beitrag (contribution) to the party funds. A moment's consideration will certainly impress anyone with the significance of the intimate hold that this unit of organization was able to exercise over the lives and thoughts of millions of the common people in the German society. There is no need to dwell on the pages of detailed

5. Organisationsbuch der NSDAP, pp. 99-108.

instructions given by the party organization books for the enlightenment of their block officials. The next unit of organization to consider is the Zelle (cell).

The Zelle⁶ consisted of four to eight blocks and was administered by a Zellenleiter (cell leader), assisted by a Zellenwarter (cell manager). The Zellenleiter was responsible for supervising his assistant and the officials of the four to eight Blocks under his jurisdiction. He was particularly liable for the transfer of orders and the explanation thereof from the higher echelons of the Nazi hierarchy, to the more lowly elements under his supervision. Next above the Zelle, came the Ortsgruppe (literally, group of places).

The Ortsgruppe⁷ was given a degree of latitude in the organization plan due to the fact that the higher officials recognized that the actual geographical area covered by the Ortsgruppe (often in a rural area) might not allow for specifying a definite number of Zelle to be included. So, the Ortsgruppe was designated as consisting of not less than fifty party members and not more than five hundred. Consequently, the Ortsgruppe (due to its location) might not have contained as many individual members as either the Block or

6. Ibid., pp. 110-114. Some, but very limited, information is available in James K. Pollock, The Government of Greater Germany, p. 58.

7. Organisationsbuch der NSDAP, pp. 116-124.

the Zelle, but it stood higher in the scheme of organization. At the Ortsgruppe level, a new position of Organisationsleiter (organization leader) appeared. This official was responsible for the relationship of the component parts of the Ortsgruppe. The need for his services seems readily apparent, as the hierarchy was by now becoming more complicated. The responsible official in the Ortsgruppe, however, was the Ortsgruppenleiter (literally, group of places leader), who performed on a higher and more complicated plane very much the same functions as his counterpart in the lower units (i.e., Zellenleiter). He was obliged to look above to the next unit for guidance and pass the "holy" words down to those under his supervision, and above all collect the party contributions. At this point the party organization plan allowed for a lateral direction, presumably to accommodate existing needs. The Stuetzpunkt (literally, the support point) is about equal in rank with the Ortsgruppe, but had a somewhat different functional purpose.

The Stuetzpunkt⁸ was described in the Nazi organization literature as consisting of not less than fifteen party members and not more than fifty. Because of the membership provisions it was most suitable for the less populous rural areas. Its equality of rank with the Ortsgruppe was based, presumably, on the equal importance of the func-

8. Organisationsbuch der NSDAP, p. 127.

tions to be administered. It could include Block and Zelle, or only two or more Blocks. The duties of the chief official, the Stuetzpunktleiter (literally, support point leader) varied according to the actual size of the Stuetzpunkt. His duties could be analogous to the Zellenleiter or the Ortsgruppenleiter, depending on conditions; but, his rank was the equivalent of the Ortsgruppenleiter. Next in the upward direction in the Nazi hierarchy was the Kreisleitung (county leadership). The German Kreis (literally, circle) is about the equivalent of an American county.

The Kreisleitung⁹ was a unit of organization which is more readily understandable to the American mind. The top official, the Kreisleiter¹⁰ (county leader) administered his unit from quite a pretentious building located in the city or town traditionally designated as the county seat. At this level, the observer can readily see how the Nazis superimposed their organization upon the already existing German governmental system for the purpose of supervision and control. For example, before, during and after Nazi times, the Kreis had had its Landtag (governing body) and Landratsamt (office of the chief official) to carry on the actual daily administrative work of the Kreis. The Nazi machine was

9. Ibid., pp. 130-134.

10. Verfuegungen, Anordnungen, Bekenntgaben; herausgegeben von der Partei-Kanzlei (Zentralverlag der NSDAP, Franz Eher Nachf., Munich. Vol. I, pp. 103-103.

very much in the nature of a military occupation--not to do the work, but to see that the functions of government were performed according to the specifications laid down by Fuehrer and party. Therefore, the Kreisleitung, administered by the Kreisleiter and his staff, concentrated on watching and supervising the normal Kreis governmental machinery and the various subordinate units of the Nazi administrative organization already described. Then too, the Kreisleitung was obliged to look upward to the higher powers for guidance. According to the instructions given in Nazi organizations literature, the Kreisleitung could include more than one of the traditional Kreise (counties), but this technique was usually resorted to only in the case of a definite sparseness of population. The more normal situation was as described above with the traditional and the Nazi imposed administrative units coinciding. In relation to the Kreisleitung, the Nazi authorities seemed to be more conscious of a need for prestige and dignity, as they specified that the Sitz (place or setting) for the Kreisleitung should be in the most prominent city of the Kreis. In the Dienststelle (literally, workplace; administration building) of the Kreisleitung, the main offices of the various affiliated organizations of the Nazi system were also expected to be located. It seems quite apparent that the Kreisleiter was a rather important man in his sphere.

Moving again upward in the Nazi system, the Gau¹¹ and the Gauleitung appear as the next administrative unit. The German Gau¹² has no convenient counter-part in American political geography. It was described in Nazi organization literature as consisting of a number of "Parteikreisen" (or party county units), and might vary in size according to instructions from the Fuehrer or the Reichsorganisationsleiter. The chief official of the Gauleitung (Gau leadership or administration) was the Gauleiter, who, of course, had a considerable staff to aid him, as the Gau was next to the national level in size and importance. There were forty-four Gaue (plural for Gau) in Germany, with headquarters in such well-known German cities as Berlin, Frankfurt a. M., Hamburg, Bayreuth, Wuerzburg, Koblenz, Munich, Vienna, Dresden and Salzburg. The Gauleiter¹³ was obliged to oversee the activities of the various Kreisleiter under his jurisdiction, and to pass on to them the commands from the truly great on the Reich level. The right of the Gauleiter to discipline his subordinates, to appoint and to discharge lesser employees and a certain latitude in administrative judgment indicate

11. The German term Gau was used in the Middle Ages rather loosely to describe a general geographical area. Very often it was connected in use with the name of a river, such as Rheingau or Maingau. The Nazis are said to have revived its use as a convenient designation for a particular unit in the NSDAP organization.

12. Organisationsbuch der NSDAP, pp. 136-142.

13. Verfuegungen, Anordnungen, Bekanntgaben, pp. 99-100.

the relative importance of his position in the organization plan. At the top of the Nazi administrative structure stood the Fuehrer and Reichsleitung.

Throughout all official Nazi publications, deference to the Fuehrer was plainly visible. The eyes of the faithful were expected to look upward to the one and only Fuehrer, Adolf Hitler, for crumbs from that great man's "divinely inspired genius." Dr. Robert Ley, Reichsorganisationsleiter (organization leader for the nation) stated quite clearly in his introduction to the Organisationsbuch der NSDAP:¹⁴

"Selbstverstaendlich ist, dass die in dem vorliegenden Werk aufgefuehrten Richtlinien und Bestimmungen fuer die gesamte Partei so lange bindend sind, bis vom Fuehrer Aenderungen bzw. Ergaenzungsbestimmungen erlassen werden."¹⁵

Furthermore, frequent mention was made in all Nazi books of rules and regulations that changes or additional instructions might be expected from the Fuehrer at any time. It may be noted here, that the Nazi capacity for opportunism mentioned earlier, often made important changes necessary. The Nazi high command must have found the Fuehrer's authority and blind obedience by the mass to the leadership principle very convenient when an abrupt change of direction was

14. Organisationsbuch der NSDAP, p. X.

15. "It is to be taken for granted, the rules and regulations in the following work will be binding upon the entire Party, until changes, supplementary instructions will be issued by the Fuehrer."

found necessary.

To aid the Fuehrer's rule from above, there were a number of administrative units on the Reich or national level, other than the traditional national government, which were strictly for Nazi control purposes. Some of the mighty¹⁶ who aided the Fuehrer in the upper regions, to cite only a few, were: the Reichsschatzmeister (literally, master of the Reich's treasure: treasurer); Reichspropagandaleiter (leader of the propaganda office); Reichspressechef der NSDAP (chief of the Nazi press); Reichsamt fuer Agrarpolitik (national office for agriculture politics), and Rassenpolitisches Amt (office for racial problems in politics). There were many other such national officers and offices to implement the Nazi program through advising and supervising the lower administrative units in each field.

Reference to the illustrations¹⁷ following the bibliography, which refer to each of the foregoing divisions of the parent Nazi organization, the NSDAP, will certainly make the fact plain that each and every unit had its own very elaborate scheme of organization and staff to make it operate. It may also be mentioned that the Nazi official press issued pamphlets and books of instructions without end for the party

16. Pollock, The Government of Greater Germany, p. 65.

17. Charts have been "borrowed" from the Organisationsbuch der NSDAP, and included in the illustrations at the end of this paper, which show the complexity of organization within each unit of the Parent NSDAP.

members' and officials' guidance.

III. Gliederungen: Organizations Closely Related to the NSDAP

Some of the various National Socialist organizations were considered by Nazi leaders as being so important to the furtherance of the party aims and principles and therefore so closely related to the parent NSDAP organization that they are described in the party organization literature as Gliederungen (limbs or members). A cursory consideration of a number of these "limbs" will amply demonstrate the justification for their way of thinking. An appropriate first selection for examination might be the Hitler Jugend¹⁸ (the Hitler youth).

In keeping with the basic Nazi principle of the importance of the training of the youth in the ideals and purposes of the National Socialist party, steps were taken to organize some practical medium through which the theory might become fact. The Hitler Jugend organization resulted. Many Americans naively imagine that the HJ was very much like the American Boy Scouts. (There was a superficial similarity in the fact that it was a boy's organization and that the physical welfare of the youth was concerned.) Also the movement was broken into two parts for younger and older youth (i.e., as with the Cubs and the Scouts). There, however,

18. Verfuegungen, Anordnungen, Bekanntgaben, pp. 606-657.

the likeness ceased. Whereas the American Boy Scouts are taught democracy and general concepts of honesty and correct personal behavior, the Hitler Jugend leaders were passionately occupied with indoctrinating¹⁹ their charges in an extremely fanatic adoration of Fuehrer and Party, and fanning the Nazi brand of nationalism to a white heat of intolerance and hatred. The movement was interrelated with the various Fuehrerschule (leadership schools) and other devices to train the youth along lines desired by the party. The results obtained were preeminently successful, and the Allied Forces entering Germany in World War II found graduates of the Hitler Jugend organization among their most fanatic opponents. A similar organization on the feminine side was the Bund Deutscher Maedel (organization of German girls).

Hitler did not propose to lose any possible source of power in his plans for National Socialist development, so he organized the German girls into a training program very similar to that provided for the boys.²⁰ While he did not envision the girls as soldiers, he well understood their

19. Frederick Lewis Schuman, The Nazi Dictatorship (New York, A. A. Knopf, 1935), pp. 370-374.

20. The general category by which both boys' and girls' organizations were known was Hitler Jugend (Hitler Youth). Within this framework the boys from 14 to 18 were called the HJ, Hitler Jugend; the boys from 10 to 14 were called the DJ, Deutsche Jungvolk (German Young Folk); the girls from 14 to 21 were called the BDM, Bund Deutscher Maedel (Association of German Girls); the girls from 10 to 14 were called the JM, Jungmaedel (Young Girls).

importance as wives and mothers of male Nazis, and intended to indoctrinate them as thoroughly as their male counterparts. The girls received physical and political training, and were instructed in the housewifely arts as well. Many phases of this work might seem to a democratic observer as having some practical virtues, if the program as a whole had not been so strictly regimented and had not had as its primary aim the indoctrination of fanatic and violent principles. The Bund Deutscher Maedel was also organized into two age groups.²¹ With boys and girls alike, provision was made for transfer into membership in the NSDAP upon reaching the ages of 18 and 21, respectively. The educational implications (good and bad) of this total program for German youth staggers the imagination. Less spectacular, perhaps, but of considerable functional importance was the Reichsarbeitsdienst (the national labor service).

The Reichsarbeitsdienst²² is not to be confused with the normal labor functions and channels existing in Germany before, during, and after Nazi times, but was intended primarily for the purpose of accomplishing necessary party or national tasks with the least loss of time and effort. There was also the aim of giving what was considered useful training to the young people. Boys and men were sent

21. Organisationsbuch der NSDAP, p. 440.

22. Verfuegungen, Anordnungen, Bekanntgaben, pp. 714-738.

to the Westwall to hurry up the construction of military defenses in the early period of preparation for war. Later, during the world conflict, the girls were sent into strange homes to help care for the children, or they might be required to go to another area than their home environment to help bring in the harvest. Theoretically, at least, necessary work and useful training were combined.

More familiar to most Americans who have been accustomed to keep up with world events in their daily newspapers is the term Hitler's Brown Shirts, or the Schutzabteilung (protective division) familiarly known as the SA. Hitler's bully boys, the Brown Shirts or SA men of the days before the party came to power were a motley crew of riff-raff, homosexuals, and ruffians--with a few honest men thrown in for spice--who aided the Fuehrer in beating down the opposition and in making an advertising display for the admiration of the populace. After the Nazis came to power, Ernst Roehm²³ and other SA leaders wanted the Schutzabteilung to be made a part of the regular German army with ranks equivalent to their SA standing. Even Hitler could readily see the fallacy of this plan. It would be an irretrievable insult to some

23. Ernst Roehm, it should be remembered, was an intimate of Adolf Hitler from the hectic days of 1919, when Hitler took Anton Drexler's party away from him. It was Roehm's influence, as an army captain, with his higher officers, which kept the embryo Fuehrer from being bothered unduly by either the Wehrmacht unit in Bavaria or by the Munich police.

aristocratic old German general like von Blomberg to expect him to accept the loyal Nazi but socially inferior Brown Shirt hoodlums into his military eminence. Hitler's coldness to the SA leader's desires caused considerable discontent to be expressed by Ernst Roehm and others and they became suspected of imminent or at least potential disloyalty. Thereupon, the Fuehrer and his more tractable followers eliminated the malcontents in the bloody purge of May 30, 1934.²⁴

Since the purge, the SA did not have its former importance but served largely as a medium for training men for the regular army and as a means of furthering strictly party aims on the homefront. Sport contests, parades and other showy activities by the brown-uniformed SA men impressed the common man with their presence, and inhibited any lurking ideas of refusing the party bidding that might disturb the blind obedience of the average citizen. When the military importance of the SA was doomed in 1934, a new pari-military organization was just coming into prominence--the Schutzstaffeln (protection staff) or SS.

The recently elevated SS²⁵ were not burdened with any of

24. Konrad Heiden, A History of National Socialism, pp. 426-427. Most of the survey books on the history of National Socialism give an account of the purge of June 30, 1934.

25. Ibid., pp. X-XI. The SS was organized in January of 1926, suppressed along with the SA in 1932, and then was raised to new eminence in 1934.

the principles discarded by the Fuehrer in his path to power and was therefore more subservient to his wishes after he had become installed in the driver's seat as Chancellor of the German Reich. The SS earned Hitler's gratitude and started its own fortunes upward, when it capably assisted in the killing of the offending SA leaders in the purge of May 30, 1934. The SS organization was divided for functional reasons into two parts. The Allgemeine²⁶ (general) SS was a non-military organization of loyal Nazis who for the most part did the dirty work on the home front. The Waffen²⁷ (weapon) SS was made up of the younger men who were fit for military service. These fanatic Nazis, often graduates from the Hitler Jugend were valuable to the Nazi high command as inspiration and control for the German regular army, when they were judiciously mixed among its units. Very often during World War II, the allied forces found that it was the fanatic members of the Waffen SS that was keeping certain units of the German regular army from surrendering. They are said to have given their wavering countrymen the choice of going on to meet the enemy or being shot down from the rear. Showy as these pari-military organizations were it was the Wehrmacht (German regular army) that provided the tremendous striking power that astounded the world in the

26. Verfuegungen, Anordnungen, Bekanntgaben, pp. 596-597.

27. Organisationsbuch der NSDAP, pp. 417-432.

years of 1939 to 1945.

The Wehrmacht (literally, defense power), stood for the traditional German military machine with its most valuable background of experience in the art and science of making war. When Hitler heard the demands of his Brown Shirts for an equal status, he thought of the probable reaction of the aristocratic Wehrmacht officers and his logical choice was quite clear.²⁸ Although Hitler had been only a corporal in the Wehrmacht in World War I, he was shrewd enough not to throw away a sword and pick up a Boy Scout knife when he was about to do battle with a deadly enemy. Through intrinsic military value, the Wehrmacht was able to maintain its place in the Nazi scheme of things, although not all of the Wahr-macht officers were able to see eye-to-eye with the Fuehrer (especially after he began to take charge of the military strategy himself). However, generally speaking, the Wehrmacht was quite stable throughout the entire course of events.

The Polizei, a term which denotes the police force in general, was taken over by the Nazis almost immediately after Hitler became Chancellor in January of 1933, and was promptly infiltrated with the Nazi faithful to insure control of the civilian population while the powers on the National level were employed in remaking the German political structure according to National Socialist aims and needs. There is no

28. Stephen Henry Roberts, The House That Hitler Built (New York and London, Harper, 1938), p. 107.

need to go into the intricacies of the traditional German police system. Suffice it to say that there were several terms denoting branches of the system, according to function, and that the police system had always been very intimately tied up with the life of the people whether in large city or rural village. For this reason the Nazi²⁹ control of the traditional police system meant early control and the extreme unlikelihood of the Germans ever being able to throw off the Nazi yoke. When you consider that for generations every German was obliged to report in at the local police station when he moved into a town or city (Anmeldung) and that he must report out (Abmeldung) when he left and indicate to what new address he was going, you can easily see what control of such a system would mean to a dynamic movement like National Socialism. To this traditional system the Nazis added their own special police organizations, the Gestapo or Geheime Staats Polizei (secret state police) and the SD or Sicherheitsdienst (secret service), which were headed by the dread Heinrich Himmler, who was also chief of the SS.

Another very influential organization closely bound to the Party was the NS Frauenschaft (National Socialist womanhood). The adult female population was active in National Socialism in a number of organizations, but none was more

29. One of the first moves by the Nazis in 1933, after Hitler's accession to power as Chancellor, was to secure control of the police power.

specifically designated for its participation than the NS Frauenschaft³⁰ (with Frauenwerk). The Frauenwerk was a less important or subsidiary women's organization with similar or complementary aims. The Frauenschaft was not just a Ladies' Aid or social auxiliary, but counted a goodly proportion of fanatic, influential and competent Nazi women in its membership, who performed some real service in furthering party aims.

The eight units of the Nazi system just described were called Gliederungen (limbs or branches) of the Party because of their close identity with the NSDAP organization proper. They were only some of the more prominent Gliederungen. As the limits of this paper does not permit even a cursory explanation of the others, they will merely be listed here with sufficient translation of the German terms to suggest the nature of the organization. They were:³¹ NSFK, the NS Flieger Korps (the National Socialist Flyer's Corps); NSKK, NS Kraftfahrer's Korps (the National Socialist Auto Driver's Corps); NS-Studentenbund (National Socialist Students Club); NS Dozentenbund (an Association of German Professors who had reached the degree-holding status); and the NS Altherren Bund (a student organization).

If we momentarily refer back to the organization of the NSDAP proper, and then consider that each and every of the

30. Verfuegungen, Anordnungen, Bekanntgaben, pp. 658-671.

31. Ibid., pp. 604-744.

Gliederungen just mentioned had an organizational scheme, officers, and staff just as complicated and far-reaching as the parent (NSDAP) organization itself, it is possible to imagine how deep the Nazi influence must have gone into the German social structure. Some of the various affiliated organizations (angeschlossene Verbaende) will be discussed now, and the others merely listed.

IV. Angeschlossene Verbaende (Affiliated Organizations) and Others

Although the angeschlossene Verbaende were considered as being less closely bound to the parent NSDAP than the Gliederungen described above, they were, nonetheless, of prime importance to the realization of Nazi aims and represented a continuation of the process of reaching out into the fabric of German society and bringing every individual under the scrutiny and control of the Nazi leaders. Some of these organizations were, naturally, more important than others, but all were quite influential. First for consideration is the DAF, or the Deutsche Arbeitsfront (German Labor Front) with its subsidiary organization, the KdF or Kraft durch Freude (Strength through Joy).

The DAF³² functioned as an active organizing and managing body to bring the German labor supply into line with the

32. Heiden, A History of National Socialism, pp. 302-303. Much data on organization is available in the German-language organization books already mentioned in several places.

needs of the National Socialist program. Some of the structure of the traditional German labor administration was left pretty much intact, except that it was placed under Nazi supervision. The DAF found that the old German Arbeitsamt (labor office) in each town, with its rather complete records on local workers, was invaluable to its purpose. Although the Nazis, as indicated, did not discard what was useful to them, they built the Deutsche Arbeitsfront into a typical National Socialist organization with all the usual multitude of offices and supervisory duties. To the casual observer it would seem that every German worker must have a "trusted" Nazi fanatic at his elbow. The KdF, Kraft durch Freude³³ served, through the DAF, to give many of the workmen an added enthusiasm for the party aims by providing them with party-sponsored excursions, or even cruises upon the Mediterranean. The labor control by the Nazis was very well organized and far reaching in its influence.

Also important, but in a somewhat different way, was the Reichsbund der Deutschen Beamten (National Association of German Officials). The Reichsbund der Deutschen Beamten³⁴ served as a medium for German officialdom to keep in contact with each other and to keep up-to-date on the wishes of the National Socialists. Naturally the officials were party

33. Pollock, The Government of Greater Germany, p. 155.

34. Organisationsbuch der NSDAP, p. 246.

members, but the RDB was not primarily concerned with party officials, but with men who were officials in some activity that had to do with the actual operation of the German economy (a bank president or railway executive). The Beamten (officials) were expected through the RDB to keep in line with Nazi policy. German doctors were lined up through the medium of the NS-Aerztebund³⁵ (National Socialist Doctor's Association).

Some indecision was felt later by the denazification authorities as to what to do about members of the NS-Aerztebund, as to whether they were necessarily Nazis or not (that is, had party membership). It can be seen, no doubt, that the work of the average doctor, the general practitioner, might have less to do with Nazi aims than someone working in an industrial field. However, certain medical scientists and public health officials were guilty of specific misdeeds. Although many doctors were fanatic Nazis and held ranks in the SA, the SS and other Nazi organizations, the NS-Aerztebund, as such, was not sufficiently influential to warrant further examination.

Next for the reader's consideration is the NS-Lehrerbund³⁶ (National Socialist Teachers Association). The importance of giving educational guidance along the desired lines³⁷ to the

35. Organisationsbuch der NSDAP, p. 236.

36. Schuman, The Nazi Dictatorship, p. 371.

37. The German term Gleichschaltung (regimentation), while applicable to Nazi relations with the whole national

coming crop of active party workers and leaders was fully appreciated by the Nazi leadership and had been well provided for in their scheme of organization, but the great mass of Mitlaeufer³⁸ (followers) who were expected to give blind obedience to the Fuehrer's commands must also be properly indoctrinated in the peculiar "logic" of Nazi political philosophy, or at least be led to believe that the Fuehrer could do no wrong. To this end, the Nazi leaders sought to regiment the teaching personnel of the country's schools, public and private, into an organization which would guide them in what they should teach their charges regarding the "master race." The NS Lehrerbund had in its membership many fanatic Nazis, but there were also, of course, most teachers who joined the organization merely to keep their positions and keep out of trouble with the Nazi police. How to "separate the sheep from the goats" was a real problem in social justice for the American denazification authorities to solve. The remainder of the angeschlossene Verbaende (affiliated organizations), while important, will be merely listed and identified.

The following listing of the remainder of the affiliated

system, was particularly significant in its relation to the marshalling of the nation's teachers and the effect on the future of the German society.

38. More, much more will be heard about the Mitlaeufer (follower) in the actual denazification process.

organizations, Betreute Organisationen (supervised organizations), and others³⁹ is included mainly for the purpose of demonstrating the extent to which the National Socialist organizing talent went in exerting supervisory control over practically the entire German population. Wherever a German looked, there was a Nazi! The remaining organizations were: the NS-Volkswohlfahrt (National Socialist Folks Welfare); NS-Reichsbund Deutscher Schwestern (National Socialist National Association of German Nurses); NS-Kriegsopferversorgung (Care for National Socialist War Casualties), NS-Bund der Deutschen Technik (National Socialist Association of German Technicians); NS-Rechtswahrerbund (National Socialist Legal Association).

Now that the field of National Socialist organization scheme, from the parent NSDAP through the various categories of supporting organizations, has been seen in a general overview, the question might profitably be considered as to what the American Department of State might expect to do about purifying the German social structure of the influences of National Socialism and militarism. Certainly it did not present the superficial problem that many uninformed Americans had anticipated. Considering the relative lack of experience of American authorities with military occupation, the consequent lack of guiding principles, lack of trained

39. All listed and discussed in detail in the several German-language organization books.

personnel and the magnitude of the problem, some doubt might arise in the minds of serious observers as to the capability of American denazifiers to accomplish such a task. Examination of actual preparation for launching the denazification program may throw more light on this situation.

CHAPTER III

U. S. DENAZIFICATION, JULY 1945 to MARCH 1946

I. Introduction

As mentioned earlier, the very general basic policy upon which the four-power military occupation of Germany was to be based (of which, denazification policy was a part) was laid down at the Crimean Conference, February 1945, and reaffirmed in the Potsdam Agreement later in the same year. Subsequent statements on general four-power policy came through the Allied Control Council located in Berlin. However, it should be clearly understood that these early four-power enunciations of policy meant only that it was agreed that certain things should be done. It was then up to each of the four occupying powers to devise more specific laws or regulations and some scheme of administration to implement the general policy accepted by all.¹ In the more specific planning preparatory to active denazification American and British experts in government, law, administration, German language and custom, etc., worked together for a number of months in 1944 and early 1945 as the German Country Unit, within the framework of SHAEF (Supreme Headquarters Allied Expeditionary Forces). It was the work of this planning unit that provided most of the

1. Although Russians, French, British and Americans agreed in principle to the same policy, their attitudes and

guidance for the personnel in the field who undertook the actual task of direct denazification, and their work is to be regarded as invaluable to the denazification program,² although the efforts of the planning units were hampered and their guidance prevented from reaching the field personnel at the proper time.

It would be a mistake to believe that the American Department of State and the rather extensive staff, military and civilian, devoting its efforts to making plans for American post-war military occupation of defeated Germany, had given no attention to plans for denazification by the time the war ended on May 8, 1945. It would be just as erroneous to assume that they were really prepared when the time came. In the writings of Harold Zink, a former American military government officer who participated in the planning for military occupation of Germany, we find a rather thorough appraisal of the plans and degree of preparation of the American authorities when the war ended. They state that, of the various problems involved in the planning for the military occupation, denazification was without question the single item which received the greatest attention, the most publicity and caused the greatest perplexity among America's

implementation of the basic policy differed greatly.
See footnote 1, p. 1 of this paper.

2. Elmer Plischke, "Denazification Law and Procedure"
American Journal International Law, October 1947,
pp. 807-10.

British, French and Russian allies. The importance of the denazification problem was recognized by the German Country Unit of SHAEF³ in that it lifted it out of the general category and gave it a special status of its own and a special chapter in the Handbook for Military Government in Germany.

The planning unit, the German Country Unit of SHAEF, was well aware of the degree to which the Nazis had permeated the German social structure.⁴ It realized that time would not permit a new and independent study of the Nazi organizational scheme, so they called upon the services of the OSS (Office of Strategic Services), which had already undertaken the compilation of lists of Nazi official positions of various degrees of probable culpability. The OSS finally complied, and these lists were incorporated in the chapter on denazification of the Handbook for Military Government in Germany. It was at this point that the German Country Unit planners ran into difficulties. They were unable to secure definite policy decisions from Washington.⁵ President Roosevelt, under the influence of the then Secretary of the Treasury, Morgenthau, seemed decided on only one thing: he wanted to give the Germans hard conditions. Arrangements had been made for printing the Handbook for Military Govern-

3. Zink, American Military Government in Germany, p. 130.

4. Ibid., p. 132.

5. Zink, American Military Government in Germany, p. 131.

ment in Germany, but without the official blessing from Washington, SHAEF was in no position to have it published. What resulted from this indecision in high places is neatly expressed by Zink in the following comprehensive statement:

"The net result was that not only was the effort of many months of hard labor of several hundred persons under the most trying circumstances because of the lack of basic policy decisions more or less wasted but more important the military government personnel earmarked for Germany had no plans of any character at a time when it was extremely important that they become acquainted with their mission. With the decision to establish military government along strictly national lines, the Anglo-American German Country Unit came to an end at this time and the job of revising the handbook in such a fashion that it would be approved was handed over to G-5 of SHAEF. This took place in the early fall of 1944, several months after D-Day and while military government operations were proceeding apace. G-5 of SHAEF was not organized to take over where the German Country Unit had left off; indeed it never perfected a very adequate planning organization, handicapped as it was by no specialists in such fields as German regional and local government and civil service and only token facilities in public safety, education and certain other areas."⁶

The reader will note that the time wasted was not considered the primary concern by Zink. He believed that the real tragedy lay in the fact that the military government detachments of the American armies overrunning Germany in the spring of 1945 were without guidance of any sort⁷ in regard

6. Ibid., pp. 132-133.

7. The present writer was participating in the denazification program as a field detachment denazifier at just the time described by Zink, and he can only agree wholeheartedly with Mr. Zink's conclusions.

to what was to be expected in the way of occupation policies. Furthermore, nowhere was this unpreparedness more critical than in the field of denazification. Due to this condition resulting from a lack of policy decision in Washington, the Military Government personnel in the field, officers and enlisted men alike, made quite a number of serious errors in their early relations with the German civil population. They were unable to distinguish the dangerous Nazis from the small fry and made the mistake of relying on the German clergy for advice, learning only later that many of the latter had been most enthusiastic National Socialists.

Errors by early MG (Military Government) detachment personnel aggravated the whole problem in that it brought down the ready condemnation of public opinion on the U. S. Army "big brass" in the ETO (European Theater of Operations), which in turn stimulated the Joint Chiefs of Staff to issue some extremely restrictive directives⁸ on the employability of German citizens. This in turn handicapped the general administration of the military government authorities in their attempts to create some order out of chaos in early post-war Germany. In time, the impossibility of removing all Nazis without absolutely paralyzing the German economy became apparent and brought a downward modification of the army's restrictive directives. Then too, the dissatisfaction

8. Zink, American Military Government, pp. 135-137.

of the American public resulted in pressure from Washington, which caused some changes in organization and personnel in the occupation forces. Notable in this respect was the removal of General Patton from the Military Governorship of Bavaria because he had expressed to the press his personal disrespect for the denazification program, adding that the Nazis were in reality very much like Republicans or Democrats. From this action, commanding military government officers deduced that denazification was there to stay and some degree of uniformity gradually was introduced into the U. S. Occupation Zone as a whole. Before proceeding to a more detailed description of how the denazification program was administered, after July 7, 1945, it will be well to examine the main body of the denazification law, most of which was based on foundations resulting from the SHAEF planning unit, the German Country Unit, made up of American and British experts.

II. The Main Body of Denazification Law

Despite the fact that denazification law was issued to the field detachments through a series of individual army directives, and that not all of the various directives and explanatory letters were very well integrated in the first year of the program, there was a core of logically related material which may be considered the main body of the

denazification law.⁹ This will be examined first and the miscellaneous elements left until later.

The general purpose and policy of the denazification law as stated in the July 7, 1945 directive, "Removal of Nazis and Militarists," has been quoted earlier,¹⁰ and the determination to eliminate Nazi and militarist influences has been noted several times. To clarify what is meant by being more than a "nominal" Nazi, the law proceeded to offer a number of definitions, which were rather helpful.

"Persons are to be treated as more than nominal participants in party activities and as active supporters of Nazism and militarism when they have (1) held office or otherwise been active at any level from local to national in the party and its subordinate organizations, or in organizations which further militaristic doctrines; (2) authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations; (3) been avowed believers in Nazism or racial and militaristic creeds, or (4) voluntarily given substantial moral or material support or political assistance of any kind to the Nazi party or Nazi officials and leaders."¹¹

Several other definitions of important terms such as "public office, and positions of importance in quasi-public and private enterprise" were defined so as to discriminate between the policy-making official and the minor clerical

9. Plischke, "Denazification Law and Procedure," pp. 809-11.

10. See page 6 above.

11. "Removal of Nazis and Militarists," 7 July 1945 Directive, Denazification Handbook, (Military Government Land Hessen, 1945), pp. 3-4.

help. As the basic theme of the directive was the removal of Nazis and militarists, the definition of the term "removal" would seem to be rather important.

"The term 'removal' as used herein shall mean to discharge the person immediately and summarily from the position in question and to terminate his influence and participation therein, directly or indirectly. The property of all removed persons will be blocked. Persons removed from public office will not be entitled to the benefit of any pension or other civil service rights except with the consent of the Military Government Detachment."¹²

In connection with the matter of removals it seems appropriate to mention at this time that the early attitude of the Military Government denazification personnel was quite firm. An often quoted policy was: "When in doubt, out!" However, it was the intention of the law that firmness be based on justice, and specific provision was made for applications for approval of appointments or re-instatements of those Germans who were technically non-employable according to the law, but who could amply prove their innocence of genuine Nazi guilt within the meaning of the law. These applications were not to be handled by the local or Kreis detachments but were to be sent to the Land (state or province) headquarters, such as Wiesbaden for Land Hessen, Munich for Bavaria, and Stuttgart for Wuerttemberg-Baden.

In order to provide a more tangible basis on which to

12. Ibid., pp. 4-5.

evaluate the degree of guilt of various types of Nazis, the denazification law provided four categories into which all Germans could be classified: (1) mandatory removal and exclusion; (2) discretionary removal and exclusion; (3) no objection raised to retention or employment; (4) appointment recommended due to evidence of anti-Nazi activity.

Of the former Nazis who were considered as falling in the mandatory removal classification the following were given special mention: (1) war criminals; (2) all officials or officers of any unit of the NSDAP; (3) all members of the NSDAP who were accepted for membership before May 1, 1937¹³ or who have in some other way proved themselves to be more than nominal members; (4) all members of the NSDAP who were selected and transferred to membership in the party after four years of service in the Hitler Jugend and upon reaching the age of eighteen. The law then specified that all officers and non-commissioned officers of the Gliederungen (units closely associated with the NSDAP parent organization) and all officers and non-commissioned officers in the affiliated organizations had to be considered as mandatory removal cases.¹⁴ The reasoning here was fairly apparent, in that it

13. The Nazis were more selective in choosing their members before 1937 and total membership was relatively limited.

14. "Removal of Nazis and Militarists," 7 July 1945 Directive, German Denazification Law, (Bavaria, Germany; Office of Military Government, 15 June 1946), p. 152.

was to be presumed that an officer or non-commissioned officer had to have more than a "nominal" interest and participation in the Nazi movement. Obviously the assumption was not without possible error, but provision was made for that in the possibility of appeal to the Land Denazification Review Board. Included in the body of the law were comprehensive lists of the NSDAP organization, the Gliederungen, and the affiliated organizations, which included all the organizational units mentioned in Chapter II of this paper and a few which were left out of this paper in the interests of brevity. Also listed were the recipients of important Nazi honors, of which eight specific types were mentioned. Long lists of civil servants, business officials, militarists and miscellaneous types were given to guide the denazifier in spotting the mandatory removal cases.

Before proceeding to list the types of persons who would fall in the discretionary removal category, the law gave some general instructions for the denazification personnel who were obliged to make the individual decisions.

"Below is a list of categories of persons who may prove hostile to Allied purposes. With respect to some of these categories it will be difficult to establish with certainty that a person falls within them; with respect to others definite determination of a person's inclusion does not constitute conclusive proof of hostility to Allied purposes, but serves as a danger sign or warning. The decision to remove or retain with respect to these categories of persons is therefore left to the sound discretion of the supervising Military Government Officer who can weigh all the relevant factors in each case. It is suggested,

however, that the employment or retention of such persons be based only on the non-availability of other suitable personnel and continue only until other suitable personnel become available."¹⁵

The discretionary removal category seemed intended for the purpose of allowing denazification personnel some judgment in respect to all those not specified in the mandatory removal category but still with some "taint" of the Nazi system. Mere membership in most of the organizations mentioned in the first category (mandatory) put the individual in the discretionary class. The Military Government Officer and his denazification personnel were expected to judge the affected individual on the basis of discernable attitude and other obtainable information. This category too had the right of appeal. The remaining two categories were not given any further attention by the body of denazification law as they were not of a critical nature. If a person fell into the no-objection to employment or the anti-Nazi employment recommended categories, the main problem was to determine the validity of their claims. However, this often proved somewhat of a task in itself.

The more important provisions of the denazification law which came into the hands of the field (Kreis) detachments by means of army directives, beginning July 7, 1945, have been discussed briefly above. The question which now pre-

15. "Removal of Nazis and Militarists," 7 July 1945 Directive, Denazification Handbook, pp. 15-16.

sents itself for examination is the manner in which denazification personnel could expect to get complete and reliable information on which to classify the possible Nazi culprit into one of the four classes described. The device to attain this objective was known as the Fragebogen (personal data questionnaire).

The denazification Fragebogen, described in the law as form MG/PS/G/9a, Revised 15 May 1945, was in truth the primary mechanical device by which the denazification personnel hoped to get the necessary information whereby they could properly classify the adult German population. All Germans in the American zone eighteen years of age or above were legally obligated to submit one of these forms. Falsification of any of the information requested made the German signatory liable to fine and imprisonment.¹⁶ The importance of this basic device is readily appreciated. The denazification law describes its general purpose and the significance of properly evaluating it as follows:

"It is the purpose of this evaluation of the revised Fragebogen to show the significance of the answers to the

16. The sentences for Fragebogen falsification early in the denazification program were much more severe than later on. One American-appointed Buergermeister (mayor), who had been a NSDAP member since 1939, but failed to record it on his Fragebogen, received a two-year term in prison. Later, a German-born employee of a Kreis denazification unit (a man who had lived in New York City for twenty years and then returned to Germany) forgot that he had been in the Party, and was merely discharged from his employment. This was typical.

various questions on the Fragebogen in relation to the overall problem of reaching a sound decision on whether the person must or should be removed or excluded from public or private employment under the policies set forth in the directive reference above. The difficulty of reaching a sound decision varies widely. With respect to some Fragebogen it will be obvious that the person falls within a mandatory removal category and must be removed. With respect to others, however, no one answer will decide the issue and all of the facts disclosed by the Fragebogen, check of records and other investigations must be carefully collated and evaluated before a sound decision can be reached."¹⁷

The denazification Fragebogen consisted of one hundred and thirty-one questions, and required considerable study by the denazification personnel. The length and complexity of the questionnaire should be kept in mind when the administration of the law is discussed, as the law itself made a thorough reference to this fact and warned the denazification personnel that the careful and detailed work required to evaluate the Fragebogen must not make them tend to forget the vital importance of the "vetting"¹⁸ process as a whole. In other words, the classification of the Germans involved into their proper categories was of such vital importance that all care should be given in the evaluation of the Fragebogen even though the multitude of incoming Fragebogen might practically inundate the usually insufficient staff. The law offered a sample

17. Evaluation of the Revised Fragebogen, Denazification Handbook, p. 22.

18. The complete process of determining the degree of Nazi culpability (if any) of a German was called "vetting."

evaluation of the revised Fragebogen, taking groups of related questions and advising the denazification personnel as to the significance of some of the possible or probable answers. A few examples of the type of advice given by the law in this sample evaluation should be sufficient to illustrate the judgment and responsibility expected of the field evaluator.

In reference to questions sixteen and seventeen, the Kreis detachment evaluator was warned to note whether any national of one of the United Nations had assumed or been granted German citizenship after the date his former native country entered into a state of war with Germany. Such cases were in a mandatory removal class and were to be detained for disposal by CI (Counter-Intelligence). Members of non-German (Quisling) Nazi administrations, or members of non-German Nazi or Fascist parties who had been given or assumed German citizenship after April 1, 1933 were also in a mandatory removal class and should be detained for CI.

The answer to question twenty-five might indicate that the individual concerned belonged to one of the several elite German University Student Corps. This was evidence of "Junkerism"¹⁹ and meant a mandatory removal or exclusion. Answers to questions twenty-six and twenty-seven might reveal that the individual has been an official or teacher in

19. This word "Junkerism" refers to the Prussian Junker class of aristocrats and militarists.

a Napola, Ordensburg, Adolf Hitler School or Nazi Leaders College. If so he was to be classified as a mandatory removal and detained for CI. People who permitted their children even to attend such Nazi schools were discretionary removal cases and the rest of their Fragebogen were to be scrutinized with particular care. Most of the questions, forty-one to eighty-one, inclusive, related to membership in the NSDAP and the other Nazi organizations, and the disposal of such cases here indicated was pretty much the same as already mentioned in earlier discussion of the denazification law. Perhaps the instructions here were a bit more specific.

Questions eighty-one to eighty-four related to religion. Members of the Deutsche Christen-Bewegung (German Christian movement) were to be suspected of Nazi sympathy. Members of the Deutsche Glaubens-Bewegung (the "Neo-Pagan" movement) were known to have been frank in their Nazi sympathies. All persons who had been officials in these organizations were to be removed or excluded from office.

Persons who revealed in answer to question 117 that they had done part time or honorary service for Nazi governmental and quasi-governmental economic control agencies and police, civil defense, intelligence and para-military organizations were also to be removed. A rather long list of typical Nazi organizations and official positions of the type referred to here was appended for the evaluator's con-

venience. Instructions relative to questions 121 and 131 were designed to trap those persons who had served the Nazi movement as "fifth-columnists" in foreign countries.²⁰

Now that the primary mechanical device for securing information from occasionally unwilling former Nazi enthusiasts has been viewed and some concept of what the denazification law expected of the field evaluator has been established, the next matter of concern is the practical administration of the law. Someone has said that a law can be only as good as the people who are expected to enforce it. It might be added that the conditions under which these people are expected to perform are also important. The administration of the law was not destined to be an easy task even for experts--and, experts were relatively few in the early days of denazification administration.

III. How the Denazification Law was Administered

The organization and administration of early denazification efforts in the American Occupation Zone, from a practical viewpoint, were based on the information and instructions assembled in Chapter II in the Military Government Handbook,²¹ the product of the combined efforts of American and British

20. Evaluation of the Revised Fragebogen, Denazification Handbook, pp. 24-35.

21. Zink, American Military Government in Germany, p. 130.

experts of the German Country Unit of SHAEF. The general policy, however, was laid down by the Allied Control Council. As already mentioned, the American implementation of Control Council policy and SHAEF plans was delayed by the lack of a go-ahead signal from Washington, just when German resistance to the allied armies was folding up and the Military Government field detachments needed guidance. SHAEF and its expert German Country Unit was disbanded in July 1945²² and the denazification problem was turned over to G-5 of the U. S. Army, which had few experts and never really got around to a scientific handling of the problem. By July, two full months after the capitulation of Germany, the Laender (plural of Land) of the U. S. Zone, Hesse, Bavaria, and Wuerttemberg-Baden received the directive "Removal of Nazis and Militarists", dated July 7, 1945, and duly forwarded copies of the same to the detachments of the Kreise (counties) under their jurisdiction. The manner in which the three Laender administered their denazification program varied somewhat, but they were basically very much in accord. Therefore, a typical example of administration in the field, on the Kreise level, may be derived from the experience of Kreis Buedingen of Greater Hesse.²³

22. Plischke "Denazification Law and Procedure" p. 307.

23. Where the present writer first participated in the denazification program.

The Military Government detachment in Kreis Buedingen had moved into the area and set up their headquarters in the county seat of the same name, Buedingen, as early as April 1, 1945, and had been quite busy with the many problems of military occupation when the first denazification directive arrived in early July. Up to this time little or no thought at all had been given to the problem, and the directive opened up a "brave new world" of opportunity for service to the already understaffed and over-worked little detachment. The directive had come from the Land headquarters at Wiesbaden, about fifty miles distant, and was channeled through an administrative supervisory unit at Darmstadt not far away in the same general area.

When the directive arrived, the Public Safety Officer, a newly commissioned second lieutenant of no particular ability (a former traffic guard in the Holland Tunnel, New York City), who was already up to his ears in the very complicated problem of trying to behave like a career officer and at the same time take care of the multifarious duties of the detachment Public Safety Office, summoned two of his sergeants, presented them with the directive, and told them to read it, understand it, and get things under way, as denazification was going to be their "baby". The two sergeants took the directive and began from "scratch". The Buedingen detachment was perhaps more fortunate than some of the others in that the two sergeants entrusted with the task of setting

up the local administrative unit were mature, college graduates, and genuinely interested in the problems of military occupation.²⁴

Among the first practical moves, other than reading the directive and getting an idea of what was going to be required, was the matter of arranging for office space in the already crowded detachment headquarters, recruiting typists and other clerical help from the local German civil population, and planning a tentative organizational plan which would be flexible enough to change with changing conditions, as army experience teaches that no one may predict what the future will bring.

When the modest denazification "mill" was ready to begin operations, after about one week of concentrated effort, the two sergeants sat facing each other at adjacent desks--each with a substantial stack of Fragebogen, which had already been turned in by anxious German civilians. Also on the desk were stacked "action sheets", which were standard denazification forms devised for the purpose of recording the evaluation results for each and every Fragebogen. The process of evaluating the Fragebogen, recording the findings

24. Many of the enlisted personnel engaged in Military Government, were persons who had had the advantage of ASTP (Army Specialized Program) training in German language, geography and customs for as long as ten months or a year at some American university.

on the "action sheets",²⁵ and preparing monthly denazification statistical reports for higher headquarters at Wiesbaden began.

Judging an individual on the basis of the information to be found in the Fragebogen (even where falsification was not involved) was admittedly a rather mechanical process. About the only influence the evaluator could bring to bear on the situation was to be conscientious in the evaluating process, that is, to read the Fragebogen carefully and thoughtfully and then adhere as closely as possible to the denazification directive, using a bit of common-sense as a stabilizing factor.²⁶ In some cases a written or oral denunciation of a supposedly "known" Nazi would arrive at the MG detachment and the denazification personnel were able, occasionally, to get some pertinent additional information. Often the denunciation would be nothing more than an expression of ill-will of one person for another without too much basis in fact. Gradually a rather substantial file of denunciations accumulated.

The Military Government Officer in the Kreis detachments was theoretically responsible for the denazification of all culpable Germans in the Kreis under his jurisdic-

25. Prescribed in the basic denazification law.

26. W. E. Griffith "Denazification in the U. S. Zone of Germany," Annals of American Academy, January 1950, p. 68.

tion.²⁷ The MGO delegated this function to the Public Safety Officer, who in turn gave the "baby" to the non-commissioned officers he considered capable of handling it. Just how this procedure varied depended greatly on the nature of the personnel in the various detachments. Military government personnel as a whole included both exceptionally qualified men and misfits among the commissioned and enlisted grades alike, and the usual procedure was for the able to perform and the misfits to ride along until they were returned to the States. Denazification was considered a subject demanding capable management because of the emphasis placed on it by higher headquarters, although many of the detachment personnel had varying private opinions as to its possibility or desirability of being accomplished with any significant results. In Buedingen, as in most Kreise, the Military Government Officer was primarily concerned with having the monthly statistical reports "add up" correctly, because the slightest error would bring a sarcastic phone call from Darmstadt, the supervising detachment intermediary to the Wiesbaden Headquarters. An error in evaluation that allowed a Nazi to escape his due punishment or caused an innocent German civilian to lose his position²⁸ would be considered un-

27. "Letter, USFET, 23 July 1945 (Re Supervising Officers responsibility for Denazification)," Denazification Handbook, p. 36.

28. Artur Straeter, "Denazification," Annals of American Academy, November 1948, p. 46.

fortunate, but to fail to compute the monthly statistical report correctly was definitely inviting trouble.

As time went on the bare walls of the Buedingen Denazification office became decorated with cases of files of Fragebogen.²⁹ Directives multiplied and report requirements increased. Along with the volume of work, the number of German civilian personnel increased. The denazification process became increasingly complex until the end of the period of direct denazification by American personnel. This is by no means a detailed description of denazification at Kreis level, but is sufficient for the purposes of this paper. Now, it will be well to return to the denazification law and examine some of the individual enactments and regulations which seem to be somewhat separate from the main body of law relating to this early period.

IV. Other Elements of Early Denazification Law

What made the ill-prepared field denazification personnel quite confused at times was the emergence from time to time of individual elements of denazification law which often seemed to be not too well correlated with the main body of the law as discussed above. Even when compilations of these laws and regulations were associated with the body of the law in hand-

29. By the end of the period of direct denazification by American personnel in March 1946, two American evaluators and about a dozen German clerical employees had "processed" more than ten thousand Fragebogen.

books published by the headquarters detachments in Greater Hesse and Bavaria in late 1945 and mid 1946, respectively, omissions and poor organization were still apparent. Early SHAEF general policy law, Military Government Law No. 5, "Dissolution of Nazi Party,"³⁰ was printed on posters and placed in conspicuous places as the army moved into Germany. The Allied Control Council repeated substantially the same idea in their law No. 2, dated as late as October 10, 1945. There were a multitude of laws, directives, regulations and explanatory letters,³¹ some of which merely stated general policy, or laid down the implementation of the general policy. Under the existing conditions, perhaps it was natural that some confusion should have occurred. The surprising thing in the whole situation was how much was accomplished in view of the shifting policies and changing personnel,³² rather than the lack in achievement. Among the individual elements of law, three were worthy of particular mention at this time: Law 52, "Blocking and Control of Property;"³³

30. "Eradication of Nazism and Militarism," Title 2, Military Government Regulations, (Berlin, Office, Military Government U. S. Zone, 1946), p.2.

31. An example of the need for explanatory letters was the definition of the term "minor employee" which had been used in the main body of the denazification law.

32. Throughout 1945 many of the soldiers with several years of service were going home.

33. "Eradication of Nazism and Militarism," Title 2, Military Government Regulations, p. 3.

Directive, 29 August 1945, "Removal of Nazis and Militarists from the German Reichsbahn;"³⁴ and, Military Government Law No. 8,³⁵ effective September 26, 1945. The first two of these enactments may be discussed very briefly and the last, Law No. 8, handled a little more in detail.

Law 52, "Blocking and Control of Property," was not strictly a denazification enactment but worked in quite closely with the other provisions for the removal of Nazis and militarists. Whenever a German was classed in a mandatory removal category, he was very likely to have trouble under Law 52 as well. This law was administered by a special officer and department in the field detachments. He was known under the designation, Property Control Officer, and often worked quite closely with the denazification personnel. However, here again, the degree of efficiency and cooperation varied with the nature of the personnel involved. Under Law 52, the German involved was allowed use of a limited amount of his assets for the purpose of food and shelter. The purpose of the law was not to confiscate the property, but merely to block and control its disposition to prevent the Nazi concerned from avoiding any fines or assessments

34. "Removal of Nazis and militarists from the German Reichsbahn," directive USFET, AG 014.1 Germany; Denazification Handbook, pp. 59-66.

35. Law No. 8; Prohibition of Employment of members of Nazi Party in Positions in Business other than Ordinary Labor, German Denazification Law, pp. 204-206.

under the provisions of the denazification law. It certainly was not ill-conceived, as many guilty Nazis tried to transfer their property to relatives who were not subject to denazification.

The directive providing for removal of Nazis and militarists from the German Reichsbahn and the various official letters and regulations to modify, explain, and expedite it recognized that the German national railway system was a problem of considerable scope in itself. Provision was made for the American military personnel known as the Military Railway Service to "evaluate" the Fragebogen of the German railway employees, and then turn Fragebogen and completed "action Sheets" over to the denazification authorities. From one viewpoint this seems to have been a good idea due to the greater familiarity of the Military Railway Service with the functions of railway employees and the difference between "minor employees"³⁶ and policy-making officials. However, it is to be suspected that often some conflict arose between the aims of denazification and the very laudable desire to keep the trains running. In such cases it is easy to see which way any good railway man might lean. In this field, the conflict between denazification aims and the objectives of other Military Government functional de-

36. "Minor employees" according to denazification law were those German administrative employees who did not have directing or policy-making positions.

partments (which were trying to get the country back on its feet economically) were just a bit more apparent because of the organization and size of the railway transportation system. The conflict existed throughout the whole field of Military Government administration.

Law No. 8, issued on September 26, 1945 was directed at industry.³⁷ The new law agreed in purposes and policy with the main body of denazification law as already described. However, it had specifically to do with industry and stated more clearly than had been previously explained in just what type of work a German guilty of active participation in a Nazi organization might now be employed. An enlightening section of the law was as follows:

"The new and striking fact is that every member of the party or an affiliate organization must on pain of trial and punishment be discharged from a position in business until such time as he establishes that he was not actively engaged in Nazi activities. However slight the apparent extent of Nazi party participation, a member's continued employment except in ordinary labor is unlawful. He must be removed or transferred to ordinary work until he has shown on appeal that he was not actively engaged, and the burden of that showing rests squarely on him. Until new measures for the denazification of industry, as with other aspects of German public and private activity, have been taken by Military Government itself. In the phase which now begins, responsibility for the cleansing of German economic life is placed on the Germans themselves."³⁸

37. W. E. Griffith "Denazification in the U. S. Zone of Germany," p. 69.

38. "Denazification of German Business", Denazification Handbook, p. 67.

Further paragraphs of Law No. 8 explained that "ordinary labor"³⁹ did not necessarily mean menial or manual labor. It meant any position that did not require the making of policy or directing the activities of others. The idea behind this provision was to reduce or eliminate the "influence" of the former Nazi among his associates. Even though a Nazi might own the business he was to be reduced to ordinary labor (incidentally his property would probably be subject to the action of the Property Control Officer under Law 52, also.) Both employer and employee were made responsible to conform to the provisions of Law No. 8, and violations might be punished by both fine and imprisonment. Needless to say, this was a difficult law to enforce in its entirety. Often the "word" of the law was kept, but the "spirit" was badly twisted from its original intent. Who could determine if former manager Wolfgang Krummbein, classed as an ordinary laborer, didn't really tell the rest of the employees what to do? Detachment denazification personnel were puzzled for many months over how to control the operation of this law and then decided that aside from the customary "paper war", they would just have to do their best and let it go at that.⁴⁰

Of course, increasing numbers of forms and reports

39. Ibid., p. 69.

40. Ironically, the Arbeitsamt (Labor Office) was directed by Law No. 8 to aid in the implementing of its provisions. The denazifiers were making use of existing German institutions in much the same way as the Nazi government had previously. The problem was: who would enforce the Labor Office compliance to the spirit of the Law?

were required of the German employers to determine whether he had a "clean shop", but the American personnel available for even occasional spot-checking of the industrial establishment was woefully inadequate.

V. An End to the Period of Direct Denazification

By the end of 1945 much of the denazification personnel, from the upper echelons down through the administrative channels began to feel rather worn down. The initial help had started out uninformed but had managed to learn quite a bit as the months passed through sheer effort and the process of trial and error. Of this personnel many had returned to the United States. Replacements for these men were hard to find, and the directives, implementing regulations, and "explanatory" letters had reached such proportions that the services of the traditional "Philadelphia lawyer" were needed to see some order⁴¹ in the disorder. Over the "grapevine" vague rumors of a new system were already coming by the end of 1945, and veteran denazification personnel was hopeful of securing positions as War Department Civilian Employees in the rumored new plan. For the time being, the established

41. In this first year SHAEF had been supplanted by USFET (U. S. Forces European Theater); then came OMGUS (Office of Military Government, U. S.). Unless the denazification personnel understood the accumulated orders were from successive headquarters, the sequence became rather confusing.

denazification "mills" ground on⁴² and the usual scrupulous care was given to getting the monthly statistical reports to "come out right", but the new and intriguing idea introduced with Law No. 8⁴³ began to become more and more popular. Finally, in early March 1946, the rumored new plans were realized, and the Law for Liberation from National Socialism and Militarism, dated March 5, 1946, (with commendable dignity) turned the troublesome denazification problem over to the Germans themselves.

Whatever else may be said of direct American efforts in denazification, it was an extremely complicated and arduous procedure. By June 1, 1946, more than 1,613,000 Germans had been processed.⁴⁴ This was roughly one out of every ten persons in the American Zone. On the basis of the figures alone, this performance looms as a tremendous physical achievement. When the whole complicated routine of filling out and evaluating Fragebogen, holding personal interviews (in many cases), making field investigations, and checking with the Berlin Documents Center is considered, the monumental character of

42. By the end of 1945 quite a substantial number of Nazis had been collected in the Greater Hesse (new term for Land Hesse) internment camp at Darmstadt to serve varying sentences. The supervision of this camp necessitated the services of a special American unit. Such camps were also located in the other Lander.

43. The idea of having the Germans participate in the denazification program.

44. Plischke, "Denazification Law and Procedure", p. 808.

the task becomes evident. It must be remembered that this was done in the face of an almost continuous deployment of personnel back to the United States.

There is, however, another side to the story. Although figures may not lie, according to the old proverb, they do not always tell the whole truth. While it is true that a great deal of "processing" was done, resulting in considerable "sound and fury," it is quite possible that the procedure was more impressive than the result. According to the figures, roughly twenty-three per cent of the cases examined resulted in removal or exclusion from office, and the remaining seventy-seven per cent were cleared through the denazification procedure.⁴⁵ If this could be interpreted to mean that twenty-three per cent of fanatic Nazis had been reduced to ordinary labor and their malign influence removed thereby from German society, perhaps the results could be said to be worth the effort expended. Unfortunately, according to qualified American⁴⁶ and German⁴⁷ observers, the figures carry no such guarantee. Due to the lack of trained personnel and the extreme complexity of the denazification problem there is considerable grounds for doubt that the official figures

45. Ibid., p. 808.

46. Griffith, "Denazification in the U. S. Zone of Germany", pp. 68-76.

47. Straeter, "Denazification," pp. 43-52.

really mean that the guilty were punished and the innocent vindicated. Sheer ignorance of local conditions quite often caused rather serious and obvious miscarriages of justice which soon brought about a profound lack of confidence and a degree of contempt for the denazification program on the part of Germans and many Americans as well.

This much may be said without reservation, the "vetting" process and the wholesale elimination of former Nazi administrative positions through the elimination of the administrative structure itself certainly brought about a considerable reshuffle of the German social structure. This in itself should have given those who sincerely wished to avoid any new growth of a society based on Nazi principles a chance to start reconstruction on new foundations.

CHAPTER IV

THE GERMAN-ADMINISTERED, AMERICAN-SUPERVISED DENAZIFICATION PROGRAM, 1946-1949

I. Introduction

With the promulgation of the "Law for Liberation from National Socialism and Militarism, March 5, 1946, a new phase in the denazification program was inaugurated. In those provisions of Law No. 8, which tended to throw responsibility on the Germans themselves, and recruited the Arbeitsamt as an enforcing agency the coming of this new phase was foreshadowed. The Official Military Government explanation for handing the denazification program over to the Germans declared that it was only an adjustment to meet the needs of a naturally developing situation. The "Objectives of the law," Title 2 of Military Government Regulations had the following to relate:

"The promulgation of the law for Liberation from National Socialism and Militarism marks the entry into a new phase of denazification. Prior to the enactment of the Law, denazification consisted of the removal and exclusion of Nazis and militarists from public and private employment above ordinary labor, blocking their property, and interning those within the automatic arrest categories. This was an interim policy, designed for the initial period of the occupation. This phase of denazification has been completed. German agencies, purged of Nazis, are now functioning at all levels."¹

1. Title 2, Military Government Regulations, p. 6.

The same official publication then explained some of the "long-range" objectives which were to be accomplished through permitting the Germans to participate in the denazification of their own people:

"From the long-range point of view, denazification is a means for assisting in the transfer of authority from those who usurped it under the Nazi regime to others who will establish a free, peaceful and democratic society. Every person who exercised leadership and power in support of the Nazi movement must be deprived of influence and authority, whether or not he was formally affiliated with the Party or any other Nazi organizations. This is an essential prerequisite to the building of a democratic Germany. To accomplish this objective, the Germans must participate actively in denazifying their society, and substantial elements in Germany must be convinced that the denazification program is just for the ultimate benefit of Germany and the world."²

Whatever the motives of the American denazification authorities may have been in turning the purging of German society of "Nazi and militarist influence" over to the Germans, this much is clear. The framers of the Law for Liberation from National Socialism and Militarism, March 5, 1945, had benefited immensely from the "trial and error" experience of the pioneers in the first phase of the denazification program. Although the basic concepts of the American denazification directives were clearly recognizable in the new law, both the German law, including implementing regulations and the administrative provisions for putting the law into action,

2. Title 2, Military Government Regulations, p. 6.

were much more thoroughly and logically planned than the hit-and-miss procedures in the earlier period. This probably was to be expected, as the military occupation was beginning to take on a more solid form, and the accumulation of experience provided a certain perspective.

Not every aspect of the new phase of denazification augured success, however. If the American-inspired German denazification law and implementing regulations were clearer, basic German attitudes and intentions were not. If the entire plan was better organized and therefore more understandable, it was also considerably more complicated³ with the necessity for American supervision of the German denazification efforts. To the end that some of these aspects may be appreciated, this chapter will examine rather thoroughly the "Law for Liberation from National Socialism" and its implementing regulations. It will view the German system for administering this law and, investigate the American system for supervising the German execution of the law. Some insight into the actual experience of an American field inspector and advisor as reflected from his reports to higher headquarters, will complete the picture.

3. The Special Branch, or Kreise detachment denazification units were not disbanded, but were re-constituted to deal with the supervision of the German program.

II. The "Law for Liberation from National Socialism",
March 5, 1946

The preamble to the "Law for Liberation" mentioned the American denazification efforts in the early occupation period, the contribution of Law No. 8 to the purification of German industry, the fact that Control Council Directive No. 24 had laid down general denazification principles for all of Germany. It then concluded with generalizations on the necessity of German participation and responsibility in regard to the denazification program.⁴ These generalizations were very similar to the American ideas from Title 2, Military Government Regulations, as cited above. It seemed that American and German denazifiers were very much in accord, or that one group was doing the thinking for both.

Article 2 of the "Law for Liberation" gave hope to the Nazi caught in its toils for justice in terms of ethics rather than the letter of the law. It said in part:

"Outward indications, such as membership in the NSDAP, one of its formations or any other organization, shall in accordance with this law not be decisive by themselves alone, for the grade of responsibility. They may be important evidence as to a person's conduct as a whole, but may be overcome, wholly or partly, by evidence to the contrary. On the other hand non-membership by itself alone shall not be decisive to

4. Law for Liberation from National Socialism (Wiesbaden; Special Branch, Office of Military Government for Greater Hesse, 1946), p. 1.

exclude responsibility".⁵

Further evidence to the effect that justice was the goal of the law was apparent in the fact that every German above the age of 18 years was obliged to register and fill out the required information forms.

The categories⁶ provided under the new Law to classify both the guilty and the guiltless were a bit more complex than those provided under the American directives, showing perhaps the advantage of time and experience. The categories provided were (1) Major offenders; (2) Offenders (activists, militarists and profiteers); (3) Lesser offenders (probationers); (4) Followers; (5) Persons exonerated.

The nine separate descriptions given of types of major offenders had two elements in common. For the most part, those persons who committed vicious or inhuman personal acts, or those who were in high public office under the Nazi system and therefore responsible for official policy, were considered to be major offenders.

A Class II offender was an activist, militarist, or profiteer. Eleven criteria were cited as earmarks of activism. In substance, the criteria mentioned outlined the characteristics of a fanatic who had substantially contri-

5. Law for Liberation from National Socialism (Wiesbaden; Special Branch, Office of Military Government for Greater Hesse, 1946), p. 2.

6. Ibid., pp. 2-6.

buted to the Nazi effort by active participation. The militarist was described as one who preached or practiced a policy of militaristic force for the purpose of dominating or exploiting foreign peoples or who participated in the systematic training of youth for war. The profiteer, in general, was a person who had gained considerable material advantage through political connections with the NSDAP. In this connection, however, injustice to others was also a prominent factor.

The Class III offender or probationer was deemed an offender who, due to other considerations, might be considered capable of being a good citizen. A probation period of two years was prescribed, during which time the probationer or lesser offender could prove by his conduct in which class he would finally be placed. Those persons born after January 1, 1919 were also included in this group.

The "follower" group, or Class IV, closely coincided with the description of a "nominal" Nazi given in the American directives. More particularly, a follower was a person who as a member of the NSDAP or one of its affiliated organizations, except the HJ or BDM, did no more than pay dues or attend meetings where attendance was obligatory. The contrast here with the "activist" is readily apparent.

An exonerated person, Class V, was a person who showed either a passive or active resistance to the NSDAP movement despite formal membership in the organization. Not provided

for in the wording of the law, but existing in relation to the operation of the law, was a very happy and fortunate class of Germans to whom the law was "not applicable". They were the "nicht betroffen" group, and every individual in this class was very anxious to show the little card which demonstrated the fact.

Specific provisions for the punishment of the various groups or categories of the guilty were listed according to the classification or category concerned. The prescribed punishment or "sanctions"⁷ for major offenders included internment for a period of not less than two or more than ten years in a labor camp; confiscation of property, loss of right to vote or hold political office; ineligibility to be a member of a trade union; prohibition to be a teacher, preacher, editor, author, radio-commentator or owner of a business; loss of all licenses, concessions and privileges, including the right to keep a motor vehicle.

Sanctions against offenders included internment in a labor camp for a period of up to five years; special work (if not in a labor camp) for the common good; confiscation of property, in whole or in part; permanent ineligibility to hold public office; loss of public pension or allowance; loss of right to vote; prohibition for five years to practice a profession or independent business; prohibition of

7. German Denazification Law, pp. 13-16.

activity as a preacher, teacher, etc.; loss of licenses, etc.; restrictions on living space.

The Lesser Offender might have his property blocked under Law 52, and was not allowed to practice a profession, including that of teacher, preacher, etc., but he could not have all of his property confiscated or be sentenced to a labor camp.

The Follower could be fined or reduced in rank if he happened to be a civil servant, but, as a "nominal" Nazi, he did not need to fret about the other sanctions.

The sanctions imposed under the Law were intended to provide a latitude for finding an appropriate punishment to fit the degree of guilt. Sometimes different combinations could be imposed to provide an adequate punishment.

The categories were arranged to determine the degree of culpability of the offender, and various punishments by means of "sanctions" were prescribed to give some flexibility even within any given category. The Law provided for a further possibility of arranging the punishment to fit the crime by listing a number of "extenuating circumstances."⁸ These provisions were rather interesting as they apparently sought to reduce the mechanical nature of the former American evaluation process. Such matters as youth or immaturity, grave bodily injuries caused by the war, or a heavy financial drain

8. German Denazification Law, p. 16.

due to invalidism or relatives were mentioned. Persons born after January 1, 1919 were to be punished only if they fell in the classes of major offenders, offenders, or lesser offenders.⁹ On the other hand, any transaction by a person coming under the law, to avoid the imposition of sanctions was declared void. Also, any proceedings under the "Law for Liberation" did not preclude possible prosecution under the traditional German criminal law, if the person also happened to be guilty of some non-political misdeed as well.

Although the German system for administering the "Law for Liberation" will be discussed separately, the basis for its operation, as provided by the Law may be most appropriately considered here. Part II mentioned the Minister for Political liberation, who was appointed by the Minister-praesident of the Land government. The Minister for Political Liberation was expected to be a man who had been known for some time as an opponent of National Socialism, and he must also have been a loyal supporter of democracy and the policies of this law. The remainder of Part II dealt with the Tribunal and the Public Prosecutor, as well as miscellaneous considerations relative to the functioning of their offices.

Article 24 of the law defined the duties of the tribu-

9. The consideration given to youth is known as the "Youth Amnesty". Only Class I, II or III offenders were to be prosecuted.

nals.¹⁰ They were to decide into which classes to allocate persons coming under the law and what sanctions should be imposed. Trial tribunals were to be established in both rural and urban districts. Appellate tribunals had to be provided for the review of cases. Each trial tribunal had to have a public prosecutor assigned to it.

Other provisions regarding the tribunals were listed in Articles 25 to 28,¹¹ inclusive. The tribunal was to be made up of a chairman and at least two associates. Members of the tribunal had to be at least thirty years of age. The chairmen of trial and appellate tribunals alike had to be qualified for the position of judge or for the German higher administrative service. The members of the tribunal were to be familiar with the local conditions, and in any specific trial the occupation group to which the person on trial (respondent) belonged should be represented among the associate judges. They, however, were not to be business competitors of the respondent. Members of the tribunals and the public prosecutors were to be appointed by the Minister for Political Liberation. It was indicated that it would be desirable to have some balance in the political representation of current democratic parties in the make-up of the tribunals. All members of the tribunals were expected to

10. German Denazification Law, p. 16.

11. Ibid., pp. 16-17.

exercise independent judgment, and were subject only to the administrative supervision of the Minister for Political Liberation. Finally, all personnel engaged in this work were expected to be recognized as opponents of Nazism and militarism, and as men of personal integrity.

The matter of "venue" was considered in Article 29. Some of the points¹² involved in determining the venue of the tribunal were: (1) last residence of the respondent; (2) the locality in which the respondent was being held on orders of the authorities; (3) the locality in which the respondent had engaged in activities at any time; (4) the locality where the respondent had owned some property. Should any question arise as to venue, the Minister for Political Liberation was authorized to make the decision. He could, if some legal bar arose, change the venue from one tribunal to another of equal rank. Article 30, stated that the tribunals should judge each case on its merits and not be bound by the previous decision of any other agency.

The circumstances under which proceedings against a respondent could be instituted were the subject of Article 32. People who could start proceedings were: the Minister for Political Liberation and his delegate; the public prosecutor; the mayor of the community; the top administrative authority of the Land; any person directly injured by the

12. German Denazification Law, pp. 17-18.

respondent; trade unions or political parties which were permitted at Land level; and the respondent himself. It was specified that an application to start proceedings must name the respondent and give brief reasons. They could be filed with any tribunal.¹³

Of obvious importance was the listing of the duties and requisites of the office of public prosecutor. This person was responsible for determining, investigating and prosecuting all persons coming under the Law. The public prosecutor had to file a formal charge, which had to indicate the class into which the respondent was to be (at first, at least) ranked, the basis for the charge, and something of the nature of the evidence. Naturally, Class I cases were given priority. If the respondent was a Class I case, he had to be tried in an oral hearing. A Class II respondent had to be tried in oral hearing if the prosecutor, the person who initiated the hearing, or the respondent insisted on a public hearing. If the respondent did not fall in Classes I or II, the prosecutor might, on the basis of his investigation, move to have a decision in summary hearing (a written, non-public hearing), or to "quash" the case. "Quashing" the case meant to stop prosecution because of insufficient evidence or evidence tending to prove items to the benefit of the respondent. This idea resulted from the opinion that much time

13. Law for Liberation, etc., p. 12.

would be lost in prosecuting "nominal" Nazis who were not as bad as the information on their registration form would indicate. If used honestly, this would seem a justifiable procedure. Article 34 stated that Class I and II respondents had the burden of proof for any contention that they should be grouped in another category. If they could convince the Public Prosecutor, he could place them in a lower category, but he had to be able to justify his judgment if questioned.

Articles 35 to 47 dealt with "proceedings before the tribunal."¹⁴ It would seem from these provisions that the tribunals had considerable freedom of judgment although some of the elements present in a regular court-of-law were also to be noted here. The respondent might employ a licensed attorney to defend him. The date of the trial had to be published in advance in a suitable manner, and witnesses and experts had to be presented by prosecutor and respondent alike. Otherwise, the tribunal might regulate its own proceedings, only taking care to arrive at the truth of the case. Any respondent who was absent from his trial without offering some reasonable excuse might be tried in his absence. Decisions of the tribunal were made by majority vote in secret meeting. Under Article 39 were listed a series of factors for and against the respondent. In general the basis for the two groups reflected the attitude quoted in this paper from the

14. Law for Liberation, pp. 12-13.

opening paragraphs of the law. It was the sum total of the respondent's deeds, good and bad, which decided his fate. He might suffer or prosper according to which way the balance went. The tribunal had considerable power while the proceedings were in progress. The chairman (who was supposed to be a trained jurist) might issue temporary orders; (1) to arrest and confine the respondent; (2) to prohibit his continued employment; (3) or, to order his property blocked.

Articles 43 to 61¹⁵ concluded the provisions relating to tribunal proceedings and brought to an end the body of the law. In these articles some rather important matters were discussed. On the subject of appeals, the respondent was permitted one month to file his appeal with the appellate court. He was obliged, however, to give in writing the grounds for his appeal. He might base his request for a new decision on a claim that he was put in the wrong group by the prosecutor, the imposition of discretionary sanctions, or on any alleged miscarriage in presentation of the facts during the trial. The appellate court might modify the original sentence, affirm the decision given, or remand the case for a new trial with either the same or another tribunal. Should the respondent have been so fortunate as to have had his case "quashed" or dismissed, he might still be recalled for trial. On the ground of newly discovered evidence the proceedings might be

15. "Important German Legislation," Title 24 MGR; Berlin, Office of Military Government, U. S., 1946, Ser. 24-500.

re-opened if some interested party cared to present a formal application. When a case was decided, the classification of the respondent, and the sanctions imposed upon him had to be entered on his identification card and in the Tribunal Class Register, a record book designated by the Law for this purpose. Articles 52 and 53, if dishonestly used, gave considerable opportunity to defeat the purposes of the Law. If the public prosecutor believed that the tribunal had erred in its decision, he might submit the case to the Minister for Political Liberation for re-examination. The Minister, on the other hand, might initiate a request that the case be given to him for re-checking. Article 53, gave the public prosecutor the right to propose to the Minister that he mitigate or vacate a decision against a respondent who had shown after a considerable lapse of time that he had turned away completely from National Socialism. Of course, the intention here was to give the Minister some latitude to provide for certain human factors, but it gave a poorly chosen Minister a great deal of opportunity for selling his services. He was also given the power of pardon. Articles 54, 55 and 56 asked for cooperation from all authorities--in the local communities, between communities, and even between Laender. Article 58¹⁶ was a very important provision in this Law, as it prohibited the employment of all those falling in cate-

16. German Denazification Law, p. 24.

gories I or II in other than "ordinary labor" until they were tried and exonerated. This provision was reminiscent of the provisions of Law No. 8. This article did not apply to the owners of businesses employing less than ten employees or to those in independent professions (before trial, and conviction). Article 59 allowed persons who had previously been "vetted" and approved by Military Government to continue in their employment until some decision was made by the tribunal. Article 60 allowed the Minister to give temporary or revocable licenses for employment to persons coming under the law if certain conditions of public expediency dictated such action. Article 61 stated that the property of persons coming under the prohibition of employment provisions of Article 58 was subject to blocking, and the Minister or an agency which he might delegate should appoint a trustee. Article 65 provided for punishment of any person who failed to register, violated the employment provisions of the law, or gave false or misleading information on his registration form.

The appendix to the law performed the important function of arranging a number of convenient groups of the offending organizations, from the NSDAP through the Party Formations (Gliederungen) and affiliated organizations and included certain groups of professional and business organizations. In each case it indicated which officers or members automatically came in the "presumptive" (before trial) classification of major offenders or offenders.

A number of regulations, executive orders, and instructions were issued to implement the law.¹⁸ In most cases, these either corrected an oversight in the main body of the law, or furnished a solution for some unexpected difficulty which became apparent only when operation of the Law brought out the flaw. Some of these regulations are only explanatory.

Considerable time has been devoted here to exposition on the provisions of the Law for Liberation itself. This explanation was deemed worthwhile, as the rather logically organized Law as it appeared on paper contrasted sharply with its actual administration by many of the Kreis Spruchkammern (Tribunals). This Law and its evidence of thoughtful planning also contrasted favorably with the confusing accumulation of directives during the American period of direct denazification.

The survey of the German system for administering the Law, and a somewhat longer discussion of the American system for "checking-up" and supervising the Germans will perhaps be conducive to some thought on the differences between theory and practice.

III. The German System for Administering the Law

By the time the Law for Liberation from National Socialism was ready for implementation¹⁹ in 1946, Military Govern-

18. German Denazification Law, pp. 41-73.

19. The effective date of the law was April 15, 1946.

ment in the American occupation zone had been changed into a simpler administrative arrangement, and policy-making directives from Berlin, signed OMGUS (Office of Military Government, U. S.) had become quite a common phenomenon. Relative stability had arrived, and the German officials could expect considerable attention and co-operation in establishing their denazification administrative machinery. As described in the discussion of the Law, the main official in each Land (i.e., Bavaria, Greater Hesse, and Wuerttemberg-Baden) was the Minister for Political Liberation and his headquarters was ordinarily situated in the capital-city of the particular Land. The trial tribunals were distributed on a Kreis basis, with each Kreis tribunal being located usually in the traditional Kreis administrative city or "county-seat," in order that they be in close proximity to the Special Branches of the Kreis Military Government detachments. This Kreis arrangement did not work out exactly as planned in all cases, but it was the general pattern. In addition to the offices of the tribunal chairman and the public prosecutor, there was a fairly large clerical staff (according to the size of the Kreis) to do the usual large volume of "paper work" for both public prosecutor and tribunal. Kreis tribunals and prosecutors were expected to make monthly reports to the office of the Minister for Political Liberation in the Land capital, to keep in contact with the Kreis Special Branch and cooperate with them to accomplish

the aims of the law. They were to be open to American supervision and inspection at all times. The clerical staff of the Geschaeftsstelle (business office) was an invaluable aid to the public prosecutors and tribunal chairmen in the preparation of material for the interminable reports to higher headquarters. The clerical staff also did the strictly mechanical work of receiving the registration forms, giving them a basic classification (with the aid of some very elaborate instructions and classifications lists²⁰ prepared by a German publishing house). It also kept account of the general business of the tribunal such as the collection of fines, maintenance of records, correspondence, etc.

Quite often the offices of both the public prosecutor and the tribunal chairman were located in close proximity in the same building. The former Nazi Kreisleitung building was often the only place where these officials could find adequate quarters. As this building also usually accommodated the local Military Government offices, the total situation resulted in quite a convenient arrangement from the point of view of accessibility. However, when the wording of the law regarding the independence of mind of each and every member of the tribunal is considered, it seems reasonable to believe that this principle should have applied

20. Rang und Organisationsliste (Stuttgart, Kohlhammer Verlag, n.d.), Anweisungen fuer die Auswerter (Stuttgart, Kohlhammer Verlag, n.d.)

doubly to the relations of the public prosecutor and tribunal chairman. Supervision of such factors, other than through a demand for the physical separation of offices, was very difficult. Then too, the fact that both public prosecutor and tribunal members had to have ready access to the services of the Geschaeftsstelle was a ready argument to the contrary.

IV. The American System for Supervising the German Execution of the Law

An innocent observer might think that the denazification troubles of American Military Government were over, when the German denazification law with its fine American sentiments was promulgated on March 5, 1946, and that the Kreis detachments could disband the Special Branch units and send the personnel home to the U. S. or to the Riviera for a well-earned rest. After a year of first-hand experience, American denazification personnel were not so optimistic. OMGUS General Order No. 40, dated 10 June 1946²¹ provided for the creation of a top level "Military Government Denazification Coordinating Committee." This committee was to be composed of the Personal Advisor to the Deputy Military Governor on Denazification; the Chief of the Public Safety Branch, Internal Affairs and Communications Division, OMGUS; the Chief of the Denazification Section, Public Safety Branch, OMGUS;

21. Title 2, Military Government Regulations, p. 4.

the Special Branch Chiefs of each of the Regional Offices of Military Government; the Political Advisor to the Deputy Military Governor; and, the Denazification Legal Officer for policy and legal matters. Such an array of the mighty and hear-mighty in the cause of supervision of denazification did not indicate that American denazification authorities were disposed to give the Germans an opportunity to forget their duties and functions as prescribed by the Law for Political Liberation.

Though high-ranking Military Government officials formulated the policy, it was realized that the actual implementation of these policies would have to be done by field personnel. To this end, a number of former Kreis denazification personnel who had organized the early Special Branches, evaluated Fragebogen, gained a varied experience in the problem, and could use the German language with at least a fair degree of proficiency, were recruited. These individuals (they were relatively few) were glorified with the title of Staff Assistant Special Branch (Advisor), given a rather good salary as War Department Civilians, and set out upon the road through fair weather and foul to check the progress of German denazification tribunals.

The other bulwark in the supervision was the re-constituted Kreis Special Branches, which were "re-created" according to the provisions of a rather extensive collection of rules published by Military Government headquarters under

the title "Special Branch Operations," Title 9, MGR.²²

At this point, an examination of the salient features of this "bible" for the re-constituted Special Branches will best explain the basis on which the American system for supervising the German denazification tribunals was expected to function.

As a manner of "introduction" to the more specific and detailed provisions of Title 9, MGR., the general provisions of "Eradication of Nazism and Militarism, Title 2, MGR.," eased the uncertain American denazification personnel over the transition period from the cessation of direct American denazification to supervision of the German efforts. The future jurisdiction of the Special Branch personnel in Kreis Detachments (now called Security and Liaison Office of Military Government), as nothing more than aid and inspection units for the German-administered denazification program was made sufficiently clear in the following section:

"Supervision and control by Military Government will ordinarily be exercised at Land level through directions to the Minister for Political Liberation. Military Government Security and Liaison Offices will normally be limited to making reports and recommendations to regional offices. Military Government will examine the reports furnished by the German officials and will devote particular attention to the disposition of cases of persons presumptively falling within Class I and II. If a local Security and Liaison

22. "Functions and Responsibilities of Special Branch," Title 9, MGR; (Berlin, Office of Military Government U. S., 1946) Secs. 9:800-9-872.

Office of Military Government believes that a decision of a Trial Tribunal is wrong, it will submit a report to the Regional Office of Military Government. If, on the basis of such report, the Regional Office concludes that an appeal should be taken, it will notify the Minister for Political Liberation accordingly. Local Military Government should not direct or otherwise force the hand of the Prosecutor. If local Military Government believes that the Public Prosecutor or members of a Tribunal have acted improperly under the law, it should forward its recommendations, together with supporting data, to the Regional Office of Military Government. Whether a German official should be suspended or removed is for the Minister for Political Liberation to decide; local Security and Liaison Offices of Military Government will not usurp this prerogative."²³

The "shape of things to come" is quite well foreshadowed by this statement of general policy. That many of the Kreis detachment denazification personnel were shocked and outraged to see the results of their hard work "endangered" by turning the whole thing over to the Germans is true. Others were more philosophical. Some just didn't quite understand what was "going on." To make the transition more orderly (rather than out of any consideration for the feelings of American denazification zealots) a few functions were to be left to American personnel. Blocked property of Germans affected by direct denazification by the Americans was to remain blocked until they had been tried by the new German tribunals. The "vetting" of Germans to be employed in American Military Government clerical positions (or in other work for the

23. Title 2, Military Government Regulations, p. 11.

Americans) or American installations was to continue as a duty of local Special Branch units.²⁴ Military Government in general also reserved the right of approval of key German officials, such as the Tribunal members. They claimed the right to disapprove Germans who had demonstrated hostility to American Military Government and occupation policies.²⁵ From this general beginning, Title 9, MGR, reviewed the above summarized provisions of Title 2, MGR, and continued to lay down a very thorough set of instructions on the new position of American denazification personnel in the total plan.

The general duties of Special Branch units was described (other than related above) as consisting of: (1) assistance and cooperation with the German denazification officials; (2) reporting to the regional Military Government Office the manner in which the German system functioned; (3) supervision and control over the German system; (4) investigation of German personnel; (5) assistance to other U. S. units in their problems relating to the Law for Liberation.²⁶

Attention to the organization of the "re-constituted" Special Branches, with a view to making them more effective in the performance of their new duties, was given in detail

24. Ibid., p. 19.

25. Ibid., p. 18.

26. Title 9, Military Government Regulations, Sec. 9:803-9:807.

in Title 9, MGR. Noting the differences in the number of German civilian personnel needed to accomplish the work in small county-seat (Kreis or Landkreis) detachments as compared with city (Stadtkreis) locations, a general pattern for Special Branches of varying sizes was prescribed. A typical Special Branch was to have: (1) a clerk-typist to receive and route all in-coming and out-going papers; (2) a record clerk to maintain all Special Branch files and records; (3) an evaluator to evaluate Fragebogen,²⁷ to examine the charges of the Prosecutor and the decisions of the Tribunal, to suggest cases in which inquiry should be made of the Berlin Documents Center,²⁸ and to select cases which the Special Branch officer²⁹ should take up with the Prosecutor for the purpose of correcting errors; (4) an investigator/Inspector to make spot checks on the agencies expected to enforce Articles 58 and 59 of the law; (5) a Liaison man to expedite the transmittal of information and documents between

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27. Fragebogen for those employees of Military Government or military installations still being "vetted" by the Special Branch personnel.
28. The Berlin Documents Center was established in 1945 as quantities of discovered Nazi records became available. It was used by the Kreis Special Branches in the period of direct denazification, but became better supplied and organized as time went on.
29. Too often the German civilian chief knew more about Special Branch information and procedure and Tribunal affairs than the Special Branch officer.

the Special Branch officer and the Public Prosecutor, to attend important trials and to keep the Special Branch officer informed as to Tribunal affairs; (6) a German Civilian Chief to supervise and direct the entire operation of the Special Branch and relieve the Special Branch officer of routine details.³⁰

Title 9, MGR devoted an entire section to the functioning of the "re-constituted" Special Branches as a source of information for the Public Prosecutors. A very important duty was the collecting and organizing of Nazi records and the task of communicating requests for information on certain individuals to the Berlin Documents Center. In addition to documents inherited from the earlier phase of denazification, Special Branches had received a supply of letters, documents, and various Nazi records from the CIC (Counter-Intelligence-Corps), which was to be put in usable form and held available for use by the Public Prosecutor, or perhaps for the use of the Special Branch personnel itself in an investigation of some individual. The originals of these records were to be available to the Public Prosecutor under certain administrative rules which were designed to provide for their safe return. Cooperation was recommended for Special Branch personnel in their relations with the office of the Public Prosecutor.³¹

30. Title 9, MGR, Sec. 9:810-9:812.

31. Title 9, Military Government Regulations, Sec. 9:820-9:823.

In the next two sections of Title 9, MGR, very elaborate instructions were given to Special Branch officers and their staff in respect to relations with the German Public Prosecutor and in the matter of supervision of the Tribunals. A variety of suggestions were listed and elaborated upon to guide the American personnel in how to check and supervise the German execution of the law. It is in these sections of the instructions that much of the basis for actual supervision is described.

The use of "Tribunal Supervision Work Sheet/Delinquency and Error Report" (hereafter to be referred to as T-S sheets) was prescribed as a device for bringing errors to the attention of Special Branch and later to the attention of the Public Prosecutor. The same form was to be used as a "Delinquency and Error Report" to be sent to the Land Office of Military Government. In connection with the use of these forms a list of sixteen typical errors committed by Public Prosecutors was offered for "points of departure" in ferreting out errors or omissions. When certain time considerations forced the Special Branch worker to suspend his efforts to detect error, it was suggested that the T-S sheet be put in a "suspense" file until the appropriate time when the needed information would be available. Suggestions for checking every major action of the prosecutor and the tribunal as required under the law were made and the Special Branch worker was instructed to be on the alert for possible mistakes,

wilful or otherwise, on the part of the German officials. Comparison of findings by the Tribunals with earlier findings by the American denazification authorities, enforcement of Tribunal sanctions, respect for the law by German official and business agencies, and correct procedure by Public Prosecutor and Tribunal were cited as particularly important. This sums up most of what was recommended or specified by Title 9, MGR for the guidance of the "re-constituted" Special Branches. They were also required as a definite permanent assignment to submit a monthly statistical report, the main content of which was a comparison of the findings of the Tribunals and earlier findings by the American denazification program. In addition, the current investigation of personnel working for American Military Government or American installations was to be included.

Next is a brief excursion into "denazification in practice," which should throw some light on the actual performance of both the American Special Branches and the administration of the Law for Liberation by the German officials. This excursion will be taken vicariously through the experience of one Staff Assistant (Advisor) from the Wiesbaden headquarters in Greater Hesse. Memory aided by a rather extensive file of reports to headquarters provide the basis for a general review of the experiences of a field inspector and supervisor. It may show some discrepancy between much of the foregoing theory and actual practice.

V. An American Field Inspector and Advisor's Experience

In mid-1946, the Denazification Division of the Office for Military Government, Greater Hesse was still having difficulty in finding enough men who were college graduates, had extensive experience with the earlier denazification program, could read and speak German reasonably well, and wanted to prolong their stay in Germany for the purpose of aiding in the crusade to build a democratic Germany via denazification. Consequently, the first group of four or five field inspectors who fared forth to check on the German denazification tribunals and to advise the newly re-constituted Special Branches on the intricacies of the provisions of Title 2, MGR and Title 9, MGR, found that they were going to be obliged to travel through nine to thirteen Kreise (and "travel through" is just about all that could be expected in the month's circuit). A monthly statistical report and summary was expected from each inspector. The inspector made out a summary report, in the first phase of this work, on the general aspects of the Tribunals and the Special Branch operations, and collected the Special Branch statistical reports³⁴ (of the type described above) for delivery to the Wiesbaden headquarters. As time went on, the upper echelons of the denazification hierarchy worked out a neat little eight-page

34. This was form MG/PS/10/F, revised August 1946.

report called Field Advisor's Report, which rather well covered the pertinent facts regarding the tribunal and Special Branch as well. It should be understood that the Field Advisor had a two-purpose responsibility in his journeys into the out-lying districts of Greater Hesse. He was expected to inspect, aid, supervise the tribunals, and to advise and instruct the Special Branches in each Kreis in his circuit--and--if possible, visit each and every one (doing a thorough job, of course) at least once a month. In the due course of time (by mid-1947) two or three additional Advisors were secured and the number of Kreise to visit dropped to six. One Kreis would have been enough to expect a really good job. In the winter months of 1946, the mere physical demands of riding an open "Jeep"³⁵ through the rain and snow to reach some of the more distant Kreise was a task in itself. It was not uncommon to get caught in the mountains with the early darkness of winter coming on and a severe blizzard limiting the vision to a range of ten to fifteen feet ahead. More than once on a lonely mountain road after dark, the headlights of a German civilian truck approaching from the rear made the denazifier from headquarters wonder if a little bump from the approaching truck might not be an easy way for a "good" former Nazi to rid the scene of the "Ami" administrator of an unpopular program.³⁶ On these

35. By the spring of 1947, German civilian automobiles had been "secured" for use of the field Advisors.

36. In the Vogelsberg mountains in Greater Hesse between Alsfeld and Buedingen.

trips the Advisor usually followed a route or circuit planned according to his needs. He visited the German officials, poked around, asked questions, got the required material for the inevitable report and then called on the local Liaison and Security Office and checked into the operation of Special Branch. In the months of late 1946,³⁷ a very slow compliance to the specified instructions for the implementing of the Law for Liberation was to be noticed on the part of both German and American personnel. The German Tribunals in small out-of-the-way Kreise were often not even established. American Military Government Officers in charge of a detachment were often very apologetic as they had "just arrived in a new command, and hadn't had time yet to get around to the denazification changes and the establishment of the new Special Branch arrangement. Then too, "it was all so complicated." In these first months it was probably incompetence and lack of understanding of what was to be done that hampered compliance with the instructions for implementing the law. Really competent Germans were unwilling to perform in the denazification task, generally speaking. Competent American personnel, officers and enlisted grades alike, were not very plentiful, and were often more inter-

37. According to a "cover" letter for the Advisor's Report to Wiesbaden headquarters in December 1946, the following Kreise were visited in that month: Gelnhausen, Lauterbach, Fulda, Ziegenhain, Buedingen, Schluechtern, Aisfeld and Huenfeld.

ested in enjoying the "fruits" of occupation than in straining their grey-matter over the rather complicated problems involved in the denazification program.

As time went on the greatest improvement to be noticed was in the increased ability of the German personnel in some of the local Special Branches to understand what needed to be done.³⁸ Quite often they were not willing to do what they understood due to fear of becoming unpopular with the townsfolk, but at least they were more adept at making out the necessary reports and avoiding the wrath of the higher authorities. The public prosecutors, personnel of the Ge-Schaeftsstelle, and tribunal chairmen alike were very adept in stalling, covering-up, and changing the subject whenever the field Advisor asked any embarrassing questions.³⁹ If any general conclusions could have been drawn in the winter of 1946 and the spring of 1947 as to the progress of the new phase of denazification, they would certainly emphasize lack of a real will to perform on the part of intelligent, honest and responsible German citizens, and the woeful lack of trained, capable American personnel to make the plan "go". Many of the American officers and enlisted men in the Security and Liaison Offices were either apathetic to the whole

38. However, with a growing consciousness of their competence and the Special Branch officer's incompetence, they often became rather independent.

39. These visits often became like a game of "hide-and-go-seek".

idea or were quite out-spoken in their lack of confidence. Sometimes denazification interfered with the functional duties of some officer, or with the family ties of a German girl friend. The human factors in the whole situation were a tremendous handicap. In one L and S Office (Liaison and Security) might be found a bright, energetic commanding officer and a good Special Branch, and in another the MGO (Military Government Officer) was even to be caught taking a little nap on a convenient couch in his office due to some pressing "Official Business" which had kept him up late the night before. Whatever the case, in most instances the L and S officers were fairly agreeable and anxious to please the field Advisor, because they knew that American public opinion and OMCUS at Berlin were still very much interested in getting some results (at least something to report on the statistical reports) to justify the tremendous expense involved in administering the program. These are some of the general aspects of a typical field Advisor's experience in the first year and one-half of the implementation (or efforts in that direction) of the Law for Liberation from National Socialism. Now, a brief glimpse into the reports of one particular field Advisor.⁴⁰ These are reports on visits to three of the many Kreise (perhaps fifteen Kreise were "handled" for varying lengths of time, as new Advisors were re-

40. These reports are included in the bibliographical entry "Personal Papers".

cruited and territories changed) that this Advisor "toured" during his term of duty. A few excerpts from the reports, beginning with the earlier visits and ending with the later visits, may be interesting. First will be Kreis (Gelnhausen, some thirty miles north and slightly east of Frankfurt a. M.

The first visit to Gelnhausen, dated March 31, 1947 (the Kreis was given to this Advisor after a re-organization of territories) revealed some significant facts about the Tribunal. In answer to questions in the Standard Field Advisor's Report (described earlier), it was revealed that the Tribunal was not organized according to Circular No. 46 of the Land denazification Ministry, and was still decidedly under-strength in personnel, one year after promulgation of the Law for Liberation. Further, no Class I cases had been processed and only 140 cases in Class II. While on this visit the Advisor incidentally discovered the interesting fact that some of the local Germans had instituted an investigation into the background of a detachment sergeant,⁴¹ who had been born in Germany at Heilbronn. His mother still resided there, and the local Germans who had been somewhat inhibited by the sergeant hoped to embarrass him in some way. This perhaps illustrates how the abject surrender attitude of the defeated German had changed to one of challenge by early 1947.

A visit to Gelnhausen, June 24, 1947 showed little change

41. This sergeant was perhaps guilty of mixing freely into the local politics.

in the tribunal or general complexion of things, but some improvement in the Special Branch procedures was noted. A general lack of enthusiasm for the whole program on the part of Special Branch and the tribunal was apparent.

Landkreis Schluechtern was another interesting Kreis. Located north of Gelnhausen in a long shadowy valley along the highway leading from Frankfurt a. M. to Fulda, it had been a hotbed of National Socialism. It was at this detachment L and S Office that the commanding officer had been found taking a nap during business hours. There were so many former Nazis still working in the local civil administration that a special investigator from the headquarters at Wiesbaden was sent to determine the facts. In this investigator's report⁴² appeared the following notation after listing a number of former Nazis still employed in Landratsamt (office of the county chief executive):

"Upon the principal question, why these Nazis are still working at all and why no substitutes were appointed up to date, the Landrat replied that he entered upon his office but on 1-7-46. His predecessor did not trouble his head very much about Denazification."⁴³

42. The Investigation Department at Wiesbaden headquarters was headed by an American War Department Civilian and manned by about thirty German investigators. In this department it was found in late 1946 that some former SS and Gestapo personnel were employed.

43. Written by a German investigator and then translated into English.

After the "sleepy" commanding officer had departed from the L and S Office, Schluechtern, a new World War II commissioned captain, who had been a first sergeant for many years in the regular army, arrived to guide the destinies of Special Branch for the next months. This man was apparently hard-working and conscientious, but rather slow and uninspired intellectually. He never did quite understand denazification and its legal and administrative intricacies, and was forced to lean heavily on his German Special Branch chief, whom he didn't particularly trust or like. As part of an August 1946 Field Advisor's Report appeared the following commentary on conditions in Schluechtern:

"It is the opinion of the Advisor that a very lax control over Kreis Schluechtern has been exercised from the beginning, and that the personnel problem is only one of many which could be bettered--if any genuine desire for all-over improvement is contemplated. Otherwise the situation in Schluechtern is rather confused. As regards Special Branch itself, the CO is not particularly pleased with his investigator (there is only one), and would like to unload him. It seems that the investigator had gotten somewhat out of hand and thinks he is his own boss. The political record of the man, although he apparently went through the Bad Orb investigator's school, is questionable (contributing member to the SS). This is rather late, however, to think of this, since he has been employed for many months."⁴⁴

In another place, the report went on to describe the Schluechtern implementation of the "co-operative" relations recommended by Title 9, MGR in regard to Public Prosecutor

44. Frequent special visits were made for awhile by the Advisor to Schluechtern due to the unsatisfactory conditions there.

and Special Branch personnel.

"The above-mentioned investigator--in turn--has his complaints regarding the Public Prosecutor. He maintains that the P. P. is very uncooperative in his attitude toward Special Branch. Other than the submission of the Arbeitsblatt, his interest in Spb. aid is very slight. He does not follow up the original requests for information for possible subsequent data resulting from letters to the Berlin Documents Center, etc. The investigator states furthermore, that the Catholic convictions of the P. P. color his work to a marked degree."

In March 1947, there occurred a case of arson in which the L and S Office building was set on fire. No Special Branch records were lost, but the tribunal was burned out. The above mentioned investigator and Special Branch Chief was suspected of the deed and held in custody for some time before being released for lack of evidence. In this same month the "uninspired" but conscientious L and S Officer secured the services of a new German employee for Special Branch. Unfortunately the Advisor's visit led to discovery of the fact that the prospective denazifier had been a Nazi himself and had also held an advisor-administrative position with the German Statthalter (an administrator) in Czechoslovakia. According to the law the Advisor could take no direct action but sent a report to the Wiesbaden headquarters for their action.⁴⁵ The picture was not always dark, however. Later in March, 1947, the Schluechtern

45. Oddly enough, action was taken and the German was not hired.

Special Branch in cooperation with the Public Prosecutor and the Berlin Documents Center discovered a Class I Major Offender, put him in the local jail and then shipped him off to the Darmstadt internment camp. They should have had him preserved as an oddity, as the local tribunal had not prosecuted even one Major Offender up to that time, although the Special Branch of the period of direct American denazification had placed one hundred and eight Germans in the non-employment mandatory classification.

The April 1947 reports included something rather unusual in the way of denazification "highlights" even for Schluechtern.

"Probably the most spectacular situation in Kreis Schluechtern at the moment is the pending Military Government trial of the still active (in office) Buergermeister and Police Chief for Fragebogen falsification. It seems that there were unfortunate discrepancies between the gentlemen's fragebogen, meldebogen and the Berlin Documents Center records. In the case of the Buergermeister, a Herr Bertram; according to his testimony, an "eager-beaver" Ortsgruppenleiter had put in his application for membership in the NSDAP in 1940 without his knowledge or consent. The Gargo was surprised and chagrined, he says. The Police Chief, Herr Fritz Boettner, admits that he was a Pg in 1930, but was expelled in 1931, because he worked for a Jewish firm and did not show a proper interest in the party activities. Curiously, the BDC report does not state anything about his being expelled. Further Boettner did not see fit to enter this fact in the MG Fragebogen, although it specifically requests that party membership "at any time" be recorded--because he did not think it was important. That he has thereby been able to hold a position as a non-Nazi for one and one-half to two years probably

did not occur to him."⁴⁶

Another quite similar case was also reported by the Advisor in the same report regarding an employee of the Landrat (chief-executive of the county) as Kreis Inspector, a position which he had held since October 8, 1945. His position at the time of the report was assistant to the Landrat. His case was described in the report as follows:

"This gentleman has been represented in the Landratsamt Monthly Status Report since May 1946 as a non-party member. He bases this action upon an alleged discussion with Capt. A. H. Larkins, the first MGO in Kreis Schluechtern, in which it was agreed that Neumann was not "real Pg."--therefore has since had the "feeling" that he never belonged to the party. In May 1947, Neumann was found in Class IV by the Tribunal and fined 200 RM."

It is interesting to note what happened to the Buergermeister and Police Chief who had gotten into trouble through a "convenient memory" regarding their past. Before leaving the Nazi infested Schluechtern valley that point should be cleared up. An Advisor's report of May 13, 1947 reveals:

"The Buergermeister and Police Chief have been successfully cleared by an MG Court of knowingly falsifying their Fragebogen and are still busily engaged in administering justice to the non-Pg.'s in the Kreis. The population doesn't quite understand."⁴⁷

46. The term "Pg." as used in this report is quite a commonly used German abbreviation for the word Parteigenosse (party comrade).

47. These men were tried by an American legal officer who traveled a circuit much in the same way as the

These quotations from some of the reports of a Field Advisor give a representative idea of what was going on in most of the Kreise at this time. Of course, not all Kreise were alike, but the general tendency to avoid or by-pass the Law for Liberation shown here was an only too common phenomenon. What has been agreed on in principle by many observers with some experience in connection with the denazification program was shown in the simple journalistic entries of a typical period report.

Details regarding observations made during an excursion into Kreis Buedingen would be very similar to the above. A quotation from the Advisor's Report in reference to a letter from a mystified and outraged German Party member about to come before the Tribunal will be added, nevertheless. The man in question was stunned apparently by the fact that the Public Prosecutor should have been selected for his office in view of his past record.

"The gist of Vielwerth's letter was that he could not understand how a man such as Weber, with whom he had served for several years in the Schutzpolizei (which was later changed into the Landespolizei, and still later taken into the Wehrmacht), and had known in the army as a severe ambitious soldier and a good Nazi, could be employed as P. P. and prosecute him

denazification Advisors. This particular officer openly admitted that he could see the time coming when attitudes would change, and he didn't want to make unnecessary enemies among the Germans. His cases almost always resulted in acquittals.

(Vielwerth) who would not rate a classification as high as the Prosecutor himself."⁴⁸

When the Advisor who prepared this report left the ETO in July 1947 Weber was still the Buedingen Public Prosecutor, although the Advisor and the MGO for the Buedingen L and S Office were both of the opinion that the picture offered by Vielwerth was substantially true--a bit on the side of under-statement if anything.

This is probably enough of a sampling from the one and one-half year's accumulation of Advisor's Reports to higher headquarters on the state of affairs in the field. On the statistical side, the reports show a consistent picture of Tribunal findings of respondents formerly classed by American denazifiers as non-employment mandatory cases being dismissed as "Followers" or exonerated.

48. This is not only typical of other such situations but is quite significant in regard to the German administrative personnel as a whole.

CONCLUSION

In the way of evaluation and summary of denazification proceedings and results after the responsibility was turned over to the Germans in March 1946, it may first be noted that they did have a rather good point of departure in the Law for Liberation itself. This law was well organized and more complete than most new laws, due to the immediately preceding American experience in denazification. The fact that the basic policy expressed in the law reflected earlier American policy quite faithfully was, of course, due to strong American influence and guidance in the preparation of the new "German" denazification law. As for the execution of the law, a more significant point existed in the fact that real German interest in denazification was lacking though this fact was obscured by the apparent agreement on policy. That this point is true seems to have been born out in the definitely unenthusiastic and incompetent German administration of the Law for Liberation. As noted above, not many of the idealistic and able type of German citizens wanted to jeopardize their future by participating in a program in which they did not have fundamental confidence.

Another, though less important, cause contributing to the failure of the German-administered denazification program was the undeniable fact that competent American personnel

available to supervise the efforts of the German prosecutors and tribunals was woefully lacking. This factor is less important only in view of the fact that such a program, opposed by the Germans themselves, was not likely to succeed even though an army of American experts had been present.

What is believed to be a reasonable, unprejudiced account of the denazification problem and program from 1945 to July 1947 has been presented in some of its various aspects thus far. In May 1948, OMGUS withdrew almost all Military Government supervision over denazification, because the House Appropriation Committee in the U. S. House of Representatives had wanted to hold up the appropriation for the U. S. army unless the denazification program was stopped. The Military Governor for the U. S. Zone, General Lucius Clay successfully parried this move through convincing the legislators that the remaining thirty thousand Nazis to be tried were of the more serious categories, since the great mass had been "sluiced through" via the "followers amnesty" of 1947. In 1949, the last trials finally came to an end.¹ Complete statistics for the total denazification program U. S. Zone, January 31, 1949 may be found in Appendix I of this paper, but some discussion of comparative figures seems appropriate at this point.

1. Griffith, "Denazification in the U. S. Zone of Germany", pp. 68-76.

Figures cited above² indicated that about 1,613,000 Germans were processed during the period of direct American administration of denazification. Of this number twenty-three per cent were removed or excluded as being guilty of some serious degree of Nazi activity, and the remaining seventy-seven per cent were cleared. By January 31, 1949, more than 13 million Germans had been registered under the provisions of the Law for Liberation. Of these, 3½ million were chargeable cases. About 2½ million of the chargeable cases were amnestied without trial, and approximately 1 million were actually tried.

Of the cases actually completed 1,600 were found as major offenders; 21,300 were found as offenders; 105,100 were found as lesser offenders; 477,900 were found as followers; 18,100 were exonerated, and 310,900 were amnestied finally or the proceedings were quashed.

When it is considered that of the 13 million persons registered under the Law for Liberation, only 1,600 were found as major offenders and 21,300 as offenders, the administration of the denazification law seems not to have been too severe even in terms of statistics. Only 9,400 of the 3½ million chargeable cases were sentenced to labor camps, and some of these terms may have been reduced or the sentence vacated finally.³

2. See page 73.

3. See Appendix I.

When even the statistics show a decided indication that severity in administration was not the trend, the description of the German-administered denazification process offered in this paper may support a suspicion that the net results in punishment meted out to former Nazis were even less severe than the figures of the official statisticians seem to lead one to believe. It would not be at all facetious to suggest that perhaps more Germans suffered from the uncertainty, and disillusionment attendant upon the process than in the penalties themselves.

Comparison of Russian, English and French denazification procedures with the American program, as revealed by OMGUS documents, dated April 1948,⁴ do not indicate outstanding efficiency in any case. Each of the four powers at least nominally conformed to the denazification provisions of the Allied Control Council. The Russians instituted an elimination of Nazis in the early phase of the occupation. In response to Control Council Directive 24, the Russians issued their Law 201 which gave a virtual amnesty to all "nominal" Nazis, and denazified the rest. By March 1948, another Soviet order indicated that denazification had been completed. The administration of their program did not appear to be very uniform in all sectors of the

4. James K. Pollock; James H. Meisel; Henry L. Bretton, Germany Under Occupation, (Ann Arbor, Michigan, George Wahr Pub. Co. 1949), pp. 42-45.

Russian Zone.

The British and French denazification programs bore some similarity to the American program, due to certain common roots in the SHAEF planned system, but neither British nor French Military Government demanded the registration of all German civilians of adult status. As a result, the British and French could concentrate their energies on the "big fellow" and let the small fry go, which the Americans did eventually anyway. The British program ended officially in January 1948, as did the French. There is no reason to believe that either program achieved any results that would make any significant contribution to democratic government or the future welfare of the German nation.⁵

Now a sampling of the opinion of writers who have published their conclusions about denazification after or near the end of the American denazification program may serve to validate any impression given by this paper in regard to denazification as a whole. A correspondent (anonymous) in the British Zone stated:

"The most important difficulty facing efforts to establish a new administration was the failure of local denazification."

He continues along the same line of thought with the following remarks:

5. Ibid., p. 45.

"It is thus surprising that the British, early in 1947, saw fit to hand over the responsibility for denazification entirely to the Germans, except insofar as British security was directly involved. In spite of the honest and successful work of many individual courts, the German population soon lost all respect for denazification in the Western zone. At the same time its shortcomings made a magnificent instrument of propaganda for the Russians."⁶

An opinion on denazification expressed by an educated and prominent German in 1948⁷ may be interesting for possible contrast or change of perspective. He says in a rather well-written magazine article:

"The opinion of the whole world, as far as we Germans can survey it, agrees with the opinion of all German parties and the whole German press of the four zones--the American, the English, the French and the Russian, each of which follows its own special rules--has up to this time been a complete failure."⁸

In the rest of his article the German author stresses the very fact which has been emphasized repeatedly in this paper--the degree to which the National Socialist organization and the influences thereof had permeated the entire German society. As a final opinion on the subject of denazification by a man qualified to express himself on the subject,

6. "Rough Justice in Germany," Economist 155:665-6, October 1948.

7. This man was Artur Straeter of Soest, Westphalia. He was a lawyer and publisher and was formerly State Minister of Justice in the British Zone. He was also on the Advisory Council of the zone.

8. Straeter, "Denazification," p. 43.

Joseph F. Napoli, Bremen, Germany, Chief of the Director of Military Government, is the following apparently heartfelt sentiment:

"It is easy to see that the democratic and anti-Nazi fervor which accompanied the drive of our occupation troops into Germany is gone. In May 1945 the word "Nazi" was anathema; in 1949 it is no longer so. Among the Germans it is practically an accolade. As righteous ambassadors of democracy we were prepared at all costs to extirpate Nazism. The tragedy is that we have paid the cost and are now witnessing a Nazi revival. It couldn't happen here, but it is happening. Now!"⁹

In a final analysis of the total denazification program in the American Zone, 1945-1949, the most important point to firmly establish is that it was undeniably a failure. Although the work of the official statisticians is certainly very impressive and has been made to "add-up" nicely, the results of the years of tremendous effort and expense do not total quite so nicely as the figures. For this unfortunate fact there are several reasons.

First, the very general policy aims of the Crimea Conference and the Potsdam Agreement were too vague and idealistic to mean much in practical terms. The Nazi system had permeated the entire German structure much too thoroughly to make any attempt at complete "purification" practical, due to sheer administrative complexity, and the disrupting

9. J. F. Napoli, "Denazification from an American's Viewpoint," Annals of the American Academy, pp. 115-23, July 1949.

and disillusioning effect it could have on a country recovering from total defeat and chaotic social and economic conditions. The first poorly organized American efforts lost much of any existing American or German support for the program through its obvious incompetence. By the time the rather well-planned Law for Liberation was available, the fervor for denazification had disappeared. Many of the original veteran American personnel had returned home, and really altruistic, competent German personnel were unwilling to participate. The concluding years of the program were notable chiefly for amnesties and a general softening of the original program. This was partly in the realization that it was a failure and partly as a concession to the feelings of a people who were rapidly coming again into a position of importance in the military and economic alignment of the great western powers. If anything, the denazification program was an exercise in the school of experience.

The denazification program in itself, as appears above, cannot be considered successful. Many Nazis were run through the mill; some were weeded out and punished. The net achievement seems small. This does not imply that the failure of the program has left Germany teeming with Nazi sentiment. The loss of the war and the sufferings endured by the Germans were in themselves enough to discredit the Nazi regime. These factors, more than the denazification procedures, had given the Germans good cause for turning against the Nazi illusion.

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APPENDIX I

STATUS OF DENAZIFICATION PROCEEDINGS,

31 January 1949, U. S. Zone*

Type	Percentage	Thousands
Total registrants	100.0	13,098.1
Not chargeable cases	73.8	9,669.3
Total chargeable cases	26.2	3,428.8
Chargeable cases completed	26/0	3,410.3
Amnestied without trial	18.9	2,475.4
Trials completed	7.1	933.9
Chargeable cases to be completed	0.2	18.5
Findings: Cases completed by denazification tribunals		934.9
Found as major offenders		1.6
Found as offenders		21.3
Found as lesser offenders		105.1
Found as followers		477.9
Found as exonerated		18.1
Found as amnestied or proceeding quashed		310.9
Appeals received		88.3
Appeals not accepted for decision or withdrawn		23.5
Appeals adjudicated		61.0
Appeals pending		15.8
Cases completed by denazification tribunals which are finally and legally valid		904.6

*(Source) James K. Pollock; James Meisel; Henry L. Bretton, Germany Under Occupation (Ann Arbor, Michigan; George Wahr Pub. Co., 1949).

Type	Thousands
Sanctions imposed	
Sentenced to labor camps	9.4
Fined	565.1
Ineligible to hold public office	22.4
Restricted in employment	122.9
Sentenced to special labor but not imprisoned	30.1
Subject to confiscation of property	25.2
Internees, number of	0.7
Internees serving sentences imposed by tribunals	0.6
Internees awaiting trial	0.1

In many cases more than one sanction has been imposed on a single individual.

APPENDIX II*

STAB DES KREISLEITERS

I. Kreisleiter	Geschaeftsfuehrung
SA	Kassenleiter
NSKK	Hilfskasse
Arbeitsdienst	Propagandaleiter
Schulungsleiter	Kultur, Rundfunk, Film
Personal-Amt	Presse-Amt
Kreischule	Parteigericht
Organisationsleiter	SS
Statistik	HJ
Ausbildungsleiter	
Bereitschaftstr.	
II. Beauftragter fuer	
Rassenpolitik	Amt fuer Beamte
RdK	RDB
Amt fuer Volksgesundheit	Amt fuer Erzieher
NSD-Aerztebund	NS-Lehrerbund
NSBO	Rechtsamt
DAF einschl.KdF	NS-Rechtswahrerbund
III. Landwirtsch. Fachberater	Amt fuer Kommunalpolitik
Reichsnaehrstand	Deutscher Gemeindetag
Handwerk und Handel	Fachberater fuer Technik
Wirtschaftsberater	NSBD Technik
IV. NS-Frauenschaft	NSV
Deutsches Frauenwerk	Beauftra fuer Kriegsoffer
Amt fuer Volkswohlfahrt	NSKOV

* This is a simplification of a chart in the Organisationsbuch der NSDAP, and is intended primarily to show the complexity of unit organization.

APPENDIX III*

STAB DES GAULEITERS

I.	Gauleiter	Geschaeftsfuehrung
	Stellvertretender	
	Gauleiter	Gauschatzmeister
	Schulungsamt	Hilfskasse
	Personalamt	Verlagsleiter
	Gauinspekteure	Propagandaleiter
	Organisationsamt	Presseamt
	Statistik	
	Ausbildungsleiter	
II.	Rassenpolitisches Amt	Amt fuer Beamte
	Amt fuer Volksgesundheit	RDB
	NSBO	Amt fuer Erzieher
	Amt fuer Agrarpolitik	NS-Lehrerbund
		NSD-Studentenbund
		Rechtsamt
III.	Handwerk und Handel	Amt fuer Technik
	Wirtschaftsberater	Amt fuer Kommunalpolitik
IV.	NS-Frauenschaft	Amt fuer Volkswohlfahrt
	Deutsches Frauenwerk	Amt fuer Kriegsoffer

* As App. II.

APPENDIX IV*

DER REICHSORGANISATIONSLITER

I.	Reichsleitung Stabsleiter Ordensburgen Hauptschulungsamt Hauptpersonalamt	Hauptorganisationsamt NSBO Handwerk und Handel Deutsche Arbeitsfront
II.	Gauleitung Schulungsamt Gauschule Personalamt	Organisationsamt NSBO Handwerk und Handel
III.	Kreisleitung Schulungsleiter Kreis-schule Personalamt	Organisationsleiter NSBO Berater f. Handwerk und Handel Duetsche Arbeitsfront
IV.	Ortsgruppe oder Stuetzpunkt Schulungsleiter Personalkertei	Organisationsleiter NSBO Deutsche Arbeitsfront

* As App. III.